

40.260 SPECIAL USES AND STANDARDS

In addition to other standards and requirements imposed by this title, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this title, the more restrictive provision shall control.

40.260.010 ACCESSORY BUILDINGS AND USES

- A. A greenhouse or hothouse may be maintained accessory to a dwelling; provided, there are no sales.
- B. A guesthouse may be maintained accessory to a dwelling, unless otherwise limited by the zoning district.
- C. The height of accessory buildings, including detached garages, greenhouses, guesthouses and similar structures, shall be regulated as follows:
 - 1. In areas zoned R1-20, R1-10, R1-7.5, R1-6 and R1-5:
 - a. On lots less than or equal to twenty thousand (20,000) square feet in area, no accessory building shall exceed eighteen (18) feet in height.
 - b. On lots larger than twenty thousand (20,000) square feet in area, no accessory building shall exceed thirty-five (35) feet in height.
 - 2. In all other zoning districts, nonagricultural accessory buildings shall not exceed the maximum height limitation for the particular zoning district.
- D. Three (3) or more dismantled, obsolete or inoperable motor vehicles on one (1) lot shall constitute an automotive recyclable materials facility as defined by this title and shall not be considered an accessory use.

40.260.020 ACCESSORY DWELLING UNITS

- A. Purpose. An accessory dwelling unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in single-family and multifamily residential districts. Accessory dwelling units are intended to:
 - 1. Provide for a range of choices of housing in the county;
 - 2. Provide additional dwelling units, thereby increasing densities with minimal cost and disruption to existing neighborhoods;
 - 3. Allow individuals and smaller households to retain large houses as residences; and
 - 4. Enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.
- B. Applicability. Accessory dwelling units on residential lots. A house with an accessory dwelling unit is different from a duplex because the intensity of use is less due to the limitations of size and number of bedrooms, and it has the appearance of a single-family structure. An accessory dwelling unit that meets the requirements of this subsection may be allowed in the R1-20, R1-10, R1-7.5, R1-6, R1-5 zones or on any multifamily-zoned (Residential (R) or Office Residential (OR)) lot developed with an existing single-family dwelling, except as noted herein.
- C. Development Standards.
 - 1. No more than one accessory dwelling unit per legal lot is permitted and it must be accessory to a single-family residence. A lot of record lawfully occupied by two (2) or more single-family residences per Section 40.200.050 shall not be permitted to have an accessory dwelling unit, unless the lot is short platted under Chapter 40.540 of this code. If a short plat is approved, an accessory dwelling unit for each dwelling unit is permitted only if all dimensional standards of the underlying zone and all other provisions of this section are met.

2. No accessory dwelling unit shall be permitted on a lot of less than five thousand (5,000) square feet.
3. The applicant must apply for a building permit for an accessory dwelling unit. An accessory dwelling unit shall comply with applicable building, fire, and health and safety codes. An accessory dwelling unit cannot be occupied until a certificate of occupancy is issued by the building department.
4. An accessory dwelling unit may be created through:
 - a. Internal conversion within an existing dwelling;
 - b. The addition of new square footage to the existing house or to a garage and any addition thereto is located at least forty (40) feet back from the front property line;
 - c. Conversion of an existing garage if the garage is set back at least forty (40) feet from the front property line;
 - d. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
 - e. A separate detached dwelling unit on the same lot as the primary dwelling unit when the accessory unit is located at least ten (10) feet behind the most distant back or side wall or other structural element of the primary dwelling unit structure.
 - f. Mobile homes are not considered an accessory dwelling unit for the purposes of this subsection.
5. An accessory dwelling unit shall conform to existing zoning requirements for the primary residence, including, but not limited to lot coverage, front, side and rear setbacks.
6. Building height is limited to twenty-five (25) feet for a detached accessory dwelling unit. Building height requirements of the underlying zone do apply to the accessory dwelling unit for internal conversion or structural addition to the existing primary dwelling.
7. The addition of an accessory dwelling unit shall not make any lot, structure or use nonconforming within the development site. All setbacks for the zone shall be met except as allowed in Section 40.200.070 or Section 40.550.020.
8. For purposes of this section, an accessory structure (such as a garage or other outbuilding, but not a detached accessory dwelling unit) which contains an accessory dwelling unit may not cover more than ten percent (10%) of the total site area.
9. The total gross floor area of an accessory dwelling unit shall not exceed forty percent (40%) of the area of the primary dwelling's living area. The living area of the primary unit excludes unhabitable floor area and garage or other outbuilding square footage whether attached or detached.
10. An accessory dwelling unit shall not contain more than one (1) bedroom.
11. Parking. No minimum on-site parking spaces are required for an accessory dwelling unit in areas with on-street parking available. On-street parking is defined as parking spaces legally available for parking of vehicles. Posted time- or day-restricted parking spaces are not considered as available for purposes of this section.
12. One parking space for the accessory dwelling unit is the minimum required if on-street parking is not available. If no parking space is available on-site, or on-street, a joint agreement for off-site parking may be presented in accordance with Section 40.340.010(A)(5).
13. The exterior appearance of an addition or detached accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and colors, roof form and pitch, window style and placement, other architectural features and landscaping. See subsection (D) of this section.
14. For an accessory dwelling unit created by internal conversion or by an addition to an existing primary dwelling, only one (1) entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.
15. An accessory dwelling unit shall not be located in a dwelling or on a lot where a Type II home occupation is operating.
16. An accessory dwelling unit shall connect to public sewer and water.
17. A home or lot which has an accessory dwelling unit which was established prior to adoption of this ordinance may be approved for a building permit subject to the provisions of Chapter 40.530.
18. Accessory dwelling units shall be subject to impact fees at the same rate as those imposed for multifamily dwelling units.

19. Owner Occupancy. Prior to issuance of a building permit establishing an ADU, the applicant shall record as a deed restriction in the County Auditor's office a certification by the owner under oath in a form prescribed by the responsible official that one (1) of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency for at least six (6) months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to the enforcement actions described in Title 32.

D. Design Standards.

1. Exterior Finish Materials. Plain concrete, concrete block, corrugated metal or plywood are prohibited if they are not the predominant exterior finish material on the primary dwelling, unless these materials duplicate or reflect the predominant finish.
2. Roof Slopes. For buildings over fifteen (15) feet in height, the slope of the accessory dwelling unit roof must be the same as that of the predominant slope of the primary dwelling structure.
3. Historic Structures. If an accessory dwelling unit is on the same lot as or within a historic structure which has been designated on the national, state or local historic register, the following design guidelines are applicable:
 - a. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
 - b. Trim on edges of elements of accessory structures and additions should be the same as those of the primary structure in type, size and placement.
 - c. Windows in any elevation which faces a street should match those in the primary structure in proportion, i.e., same height, width and orientation (horizontal or vertical).
 - d. Pediments and Dormers. Each accessory dwelling unit over twenty (20) feet in height should have either a roof pediment or dormer if one or the other of these architectural features are present on the primary dwelling.

40.260.030 AMBULANCE DISPATCH FACILITY

In the R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, FR-40, AG-20, and AG-WL districts, an ambulance dispatch facility may be permitted upon issuance of a conditional use permit; provided, that the site has a minimum lot size of ten thousand (10,000) square feet in the urban area and should be on a street designated as an arterial on the county's comprehensive plan.

40.260.040 ANIMAL FEED YARDS, ANIMAL SALES YARDS, KENNELS, RIDING ACADEMIES, AND PUBLIC STABLES.

In an R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, CR-1, CR-2, C-2, C-3, CL or CH district, animal feed yards, poultry farms, animal sales yards, kennels, riding academies, and public stables shall be located not less than two hundred (200) feet from any property line. In the above zones and the R-5, R-10, R-20, FR-80, FR-40, AG-20, AG-WL, UR and UH districts, the applicant shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. In all of the above zoning districts, the applicants shall show that odor, dust, noise and drainage shall not constitute a nuisance, hazard or health problem to abutting property or uses.

40.260.050 BED AND BREAKFAST ESTABLISHMENTS

- A. Purpose. This section provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses for a purpose which has been found to be compatible with residential uses. These regulations enable owners to protect and maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the

scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

- B. Definition. A bed and breakfast establishment shall mean a residence where an individual or family resides and rents up to six (6) bedrooms to guests and provides breakfast to those guests.
- C. Use-Related Regulations.
1. A bed and breakfast establishment must be accessory to a household living on the site. This means that an individual or family who operates the establishment must own and occupy the house as their primary residence. The house must have been used as a residence for at least a total of five (5) years prior to filing the application for a bed and breakfast establishment.
 2. Banquets, parties, weddings or meetings for guests or other non-family members are prohibited. Services may only be provided to overnight patrons of the facility.
 3. Establishments containing three (3) to six (6) bedrooms for guests must meet the Department of Social and Health Services (DSHS) bed and breakfast guidelines administered by DSHS.
- D. Site-Related Standards.
1. Appearance. Residential structures may be remodeled for the development of bed and breakfast establishments, but not enlarged except for minor expansions to accommodate additional kitchen or bathroom needs. Internal structural alterations or minor expansions may not be made which prevent the structure being used as a home in the future.
 2. Parking. A minimum of two (2) off-street parking spaces, plus one (1) off-street parking space for each bedroom to be rented, are required. Any additional parking needed to accommodate the use shall be screened from abutting property by a minimum five (5) foot tall solid fence or hedge. Hedge shall be installed immediately and provide a six (6) foot solid screen within one (1) year of approval.
 3. Signs. Signs shall conform to Chapter 40.310, including obtaining a sign permit pursuant to Section 40.310.010 (E).
- E. Application Required. Bed and breakfast establishment may be permitted in all zoning districts, except ML and MH. Applications for a bed and breakfast for renting up to two (2) bedrooms shall be processed as a Type II review; applications for renting three (3) to six (6) bedrooms shall be processed as a Type III conditional use review. For a Type II review, the applicant shall submit a site plan application including a site plan showing the location of off-street guest parking and a narrative addressing how the proposal meets the criteria in this section. For a Type III review, the applicant shall submit conditional use and site plan review applications with a statement indicating the potential traffic and land use impacts of the proposal on adjacent streets and properties. Requests must conform to all relevant county and state codes including fire, building, road and health standards.

40.260.060 CIRCUSES, CARNIVALS OR AMUSEMENT RIDES

A traveling circus, carnival or amusement ride may be permitted in any non-residential zoning district through a Type II review, subject to the provisions of Section 40.260.220 and Chapter 5.32 of this code. If the use is proposed in a commercial or industrial district and will not occur within two hundred (200) feet of a residential district, it may be reviewed as a Type I.

40.260.070 COMMUNITY BUILDINGS, SOCIAL HALLS, LODGES, FRATERNAL ORGANIZATIONS, CLUBS, PUBLIC AND PRIVATE SCHOOLS, PRIVATE RECREATIONAL FACILITIES AND CHURCHES

Community buildings, social halls, lodges, fraternal organizations, clubs, public and private schools, private recreational facilities and churches in R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, or OR-43 districts shall be set back a minimum of thirty (30) feet from side and rear lot lines. There shall be no external evidence of any incidental commercial activities taking place within the building.

40.260.080 FOREST PRACTICES

A. General Provisions

1. Purpose. This section is established pursuant to RCW 76.09 and WAC 222-20. It shall be officially cited as Section 40.260.080, Forest Practices, and may be commonly referred to as the Clark County forest practice code. This section sets forth procedures and review criteria for approval of Class IV conversion forest practices, conversion option harvest plans (COHPs), and certain Class I forest practices, and establishes a process for implementing development moratoria on properties which have been harvested in violation of forest practice requirements.
2. Description of forest practice classes. The description of the classes of forest practice paraphrased below are intended to summarize the classifications and do not supersede the specific definitions described in WAC 222-16 and RCW 76.09:
 - a. Class I are those minor forest practices, occurring outside the Columbia River Gorge National Scenic Area (CRGNSA) Special Management Area (SMA), that have no direct potential for damaging a public resource. Examples of Class I forest practices include timber harvests on parcels where contiguous ownership is less than two (2) acres in size that are not within a shoreline designation or UGA, and none of the operation takes place within the riparian management zone of a Type 2 or 3 Water, or within the bankfull width/channel migration zone of a Type 4 Water or flowing Type 5 Water; the culture and harvest of Christmas trees and seedlings; tree planting and seeding; and cutting and/or removal of less than five thousand (5,000) board feet of timber for personal use (e.g., firewood, fence post) in any consecutive twelve- (12) month period.
 - b. Class II are those forest practices which have less than an ordinary potential for damaging a public resource. Examples of Class II forest practices include the construction of advance fire trails; timber harvests of less than forty (40) acres; and the "partial cutting" of 40 percent (40%) or less of the live timber volume on a site. Class II forest practices require notification to the DNR prior to being conducted. Property logged pursuant to a Class II permit must be reforested and is intended to remain in timber production. Class II shall not include forest practices:
 - (1) On lands platted after January 1, 1960, as provided in RCW 58.17 or on lands that have or are being converted to another use;
 - (2) Which require approvals under the provisions of the Hydraulics Act, RCW 75.20.100;
 - (3) Within "shorelines of the state" as defined in RCW 90.58.030;
 - (4) Excluded from Class II by the State Forestry Practices Board; or
 - (5) Which involve timber harvesting or road construction within "urban growth areas," designated pursuant to RCW 36.70A, which are processed as Class IV.
 - c. Class III are those forest practices not listed under Class I, II, and IV. Class III forest practices require permit approval by the DNR. Property logged pursuant to a Class III permit must be reforested and is intended to remain in timber production.
 - d. Class IV forest practices are divided into two categories as follows:
 - (1) Class IV general, as defined by WAC 222-16-050(2) in effect on March 20, 2000, are those forest practices occurring on lands within UGAs; lands platted after January 1, 1960, or on lands which are being converted to a use other than commercial timber production. Examples of Class IV general forest practices include harvest of timber and conversion of land to agricultural, residential or commercial uses, and forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of the likelihood of future conversion to urban development. Reforestation is not required under a Class IV general forest practices permit as the property subject to the permit is being converted to a non-forestry use.
 - (2) Class IV special, as defined by WAC 222-16-050(1) in effect on March 20, 2000, are those forest practices which have the potential to result in a substantial impact to the environment. Examples of Class IV special forest practices include forest practices conducted on lands designated as critical wildlife habitat for threatened or endangered wildlife species; timber harvest in national, state, or local parks; and forest practices involving potentially unstable slopes or landforms.

3. **Applicability.** The provisions of this section comprise the standards necessary for the review of Class IV conversion forest practices, COHPs, and non-exempt Class I forest practices. The provisions of this chapter also provide the criteria for the establishment or removal of development moratoria and exceptions for single-family dwellings located on lands subject to a development moratorium. All forest practice approvals and associated development moratoria issued by Clark County shall comply with this section.
 - a. The following forest practice activities are subject to review under this section:
 - (1) All Class IV conversion forest practices;
 - (2) A COHP in which a Class II, III, or IV special forest practice is applied for;
 - (3) Class I forest practices within urban growth areas (UGAs) that involve timber harvesting or road construction;
 - (4) Class I forest practices outside UGAs which are associated with lands platted after January 1, 1960, or lands being converted to a non-forestry use.
 - b. Forest practices are exempt from this chapter on lands in a UGA where the landowner submits a ten (10) year statement of non-conversion to the Department of Natural Resources (reforestation agreement) together with either an acceptable ten (10) year forest management plan or proof that the land is currently enrolled in current use assessment—timber lands, under the provisions of RCW 84.33.

Class I Forest Practices Within UGAs. For those Class I forest practices not exempt from this section pursuant to Subsection 40.260.080(A)(3)(a)(3) and (A)(3)(a)(4), a forest practice permit shall not be required if the forest practices result in the removal of less than five thousand (5,000) board feet of timber for either personal use or the abatement of an emergency (e.g. removal of diseased or hazard trees) in any twelve (12) month period. Although a forest practice permit is not required, Class I forest practices proposed within a wetland, stream, landslide hazard area, habitat conservation area, or other critical area or its buffer shall comply with all applicable requirements of Subsection 40.260.080(A)(5)(b)(1).

4. **Administration.**
 - a. **Approvals Required.** An approval pursuant to this chapter must be obtained from Clark County for the following:
 - (1) **Forest Practice Approvals.**
 - (a) **Class IV General Forest Practices.** An approved forest practices permit shall be obtained from Clark County prior to conducting any forest practices defined as Class IV general pursuant to Section 40.260.080(A)(2)(d).
 - (b) **Class IV Special Forest Practices.** Class IV general forest practices which is reclassified to Class IV special and is a conversion, Clark County will be lead agent for SEPA action, and the Department of Natural Resources would act as lead on the approval of the FPA.
 - (c) **Class I Forest Practices.** Class I forest practices not exempt from this chapter pursuant to Sections 40.260.080(A)(3)(a)(3) and (A)(3)(a)(4) shall require a forest practice permit from Clark County if the forest practice results in abatement of an emergency within a twelve- (12) month period, the removal of any volume for commercial sale, or road building or removal of timber on lands platted after January 1, 1960. These forest practices shall be reviewed using the procedures set forth in Section 40.260.080(B), except that these forest practices shall not be subject to environmental review under RCW 43.21C (State Environmental Policy Act).
 - (d) **Conversion Option Harvest Plan.** A COHP approval from Clark County shall be required for all Class II, III, and IV special non-conversion forest practices outside UGAs where the land owner desires to avoid the imposition of a six- (6) year development moratorium.
 - (2) **Request for Removal of Development Moratorium.** An approved request for removal of development moratorium shall be required prior to the approval of any development permits by Clark County for land which is subject to a development moratorium except for the construction of one single-family residence, pursuant to Section 40.260.080(D).
 - (3) **Request for Single-Family Dwelling Waiver.** An approved request for single-family dwelling waiver shall be required prior to the construction of a single-family residence or related improvements on land which is subject to a development moratorium.
 - b. **Application Requirements for Class IV General Permits.**

- (1) Preliminary Review. The provisions for conducting a pre-application review of any Class IV-G application filed pursuant to this chapter are set forth in Subtitle 40.5. Pre-application review is voluntary for applications filed under this section.
 - (2) Application Filing. Applications filed pursuant to this chapter shall be reviewed to determine full completeness in accordance with submittal standards herein and pursuant to Subtitle 40.5.
 - (3) Application Site Plan. All pre-applications and applications shall include a site plan of the proposal that includes the following, if applicable:
 - (a) Drafted at a scale no smaller than one inch to two hundred feet;
 - (b) With the scale being shown in legend on the drawing;
 - (c) Harvest boundaries and tree retention areas;
 - (d) North arrow;
 - (e) The approximate location of any existing structures;
 - (f) The location of all existing and proposed streets, rights-of-way, easements, skid roads, haul roads, and landings within the proposal;
 - (g) The location of future land development including storm water management facilities, and vegetation to be retained for site landscaping, open space, wildlife habitat, screening, and/or buffers;
 - (h) Site topography at a contour interval of twenty (20) feet, ten (10) feet if available from a public source;
 - (i) Critical areas and critical area buffers;
 - (j) Drainage ways and culverts;
 - (k) Site area targeted for further harvest including proposed timing; and
 - (l) A vicinity map that includes all abutting ownership.
 - (4) Field Marking of Site Features. At the time of submittal of any application required pursuant to this chapter, the following features shall be clearly marked at the site with flagging or colored paint by the applicant:
 - (a) Critical areas and critical area buffers;
 - (b) Centerline of all proposed roads;
 - (c) Landing areas;
 - (d) Tree retention areas and leave trees; and
 - (e) Cutting boundaries.
- c. Review.
- (1) Initial Review. The department shall conduct an initial review of any application in accordance with the provisions outlined in Subtitle 40.5, Procedures.
 - (2) Review Responsibilities.
 - (a) The responsible official is responsible for administration, circulation, and review of an application filed for Class IV general permits, COHPs, and single-family dwelling waivers.
 - (b) The hearing examiner shall be the decision authority for requests to remove a development moratorium and administrative appeals.
 - (c) Other county departments and state agencies, as determined by the department, may review an application and forward their respective recommendations to the responsible official or examiner as appropriate.
5. Standards.
- a. General. Forest practices subject to this chapter shall be subject to the standards of WAC 222 except as modified or supplemented by county critical area ordinances as specified below. In the event of inconsistency between applicable federal, state and local regulations, provisions which afford the greatest critical area protection shall apply.
 - b. Specific. In addition to the general provisions of subsection (5)(a) of this section, the following critical area ordinance provisions apply depending upon the class of the forest practice.
 - (1) Class IV-G Forest Practice.
 - (a) Wetland regulations in Chapter 40.450;
 - (b) Habitat regulations in Chapter 40.440;
 - (c) Landslide hazard provisions in the geologic areas regulations in Chapter 40.430.

- (2) Conversion Option Harvest Plans.
 - (a) The forested wetland provisions of the county wetland protection ordinance such that:
 - (i) Harvest is prohibited within the forested wetland, and
 - (ii) No forested wetland buffer applies, but reforestation may be required pursuant to Section 40.260.080(B)(3)(e).
 - (b) Review of proposed post-harvest activities subject to Chapter 40.440, Habitat Conservation, shall assume pre-harvest conditions.
 - c. Time Limitations.
 - (1) Expiration of Approval.
 - (a) A Class IV general permit shall be valid for two (2) consecutive years following the date of issuance unless a different time limit has been established through an associated development permit approval. Expiration of the Class IV general permit shall be the same as the expiration date of the approved development permit.
 - (b) A COHP shall be valid for a period of ten (10) years from the date of county approval.
 - (2) Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to this chapter are set forth in Subtitle 40.5, Procedures.
 - d. Development Applications. Development applications submitted with or subsequent to a forest practice application are subject to the development standards of this title.
6. Fees. Fees for applications and/or review of reports or studies filed pursuant to this section are set forth in Title 6.

B. Forest Practice Approvals

- 1. Purpose. This section provides tree farmers with options to encourage continued use of the land for tree farming. This article provides the general requirements, establishes a Type II review process pursuant to Subtitle 40.5, Procedures, with review criteria, and necessary findings for Class IV general forest practice permits and COHPs. Compliance with an approved Class IV general permit or COHP releases the landowner from the six- (6) year moratorium.
- 2. Class IV general forest practice permits. An approved Class IV general permit provides the landowner the ability to harvest timber and to convert a site to a use other than commercial forest production.
 - a. General Requirements.
 - (1) A Class IV general permit shall be submitted prior to conducting forest practices on the project site;
 - (2) All Class IV general permit applications shall describe the harvest method, including type of equipment to be used and the expected dates of commencement and completion of all harvest activity;
 - (3) All Class IV general permit applications shall declare the type, extent, and schedule of future development plans;
 - (4) Land that is to be converted to non-forestry uses shall be withdrawn from current use designation under the provisions of RCW 84.33 and 84.34 or CCC Chapter 3.08 prior to issuance of county land use approvals for non-forestry uses;
 - (5) Pasture conversions must be consistent with a farm management plan approved for the property by the Natural Resource Conservation Service or the Clark County conservation district. Those forest practices involving conversion of forest lands to pasture shall be required to meet the same buffer requirements as set forth in Section 40.260.080(A)(5)(b)(1).
 - b. Review Criteria.
 - (1) Class IV general permits shall comply with Section 40.260.080(A)(5).
 - (2) Class IV general permits shall comply with the conditions of approval established through the associated development permit, forest practice permit or approved COHP.
 - c. Approval Authority.
 - (1) The responsible official shall review all requests for approvals, any comments received, and applicable regulations or policies and shall inspect the property prior to rendering a decision.
 - (2) The responsible official may approve an application for a Class IV general permit, approve the application with conditions, require modification of the proposal to comply with specified

requirements or local conditions, or deny the application if it fails to comply with requirements of this article.

- d. Required Written Findings and Determinations. A Class IV general permit shall be approved by the responsible official if the application is consistent with Section 40.260.080(A)(5).
3. Conversion option harvest plans (COHP). An approved COHP provides the landowner the ability to manage and harvest timber prior to application for a development permit while maintaining an option to convert lands to a non-forestry use. A six- (6) year moratorium shall not be imposed on a site that meets the conditions of an approved COHP.
 - a. General Requirements.
 - (1) A COHP shall be submitted to the responsible official pursuant to WAC 222-20-050 and shall also contain the requirements described in this article.
 - (2) A COHP shall include:
 - (a) A narrative description of the objectives of the timber harvest, relationship of the harvest to future development of the site, built and natural features present at the site, measures to be taken to preserve and protect critical areas, harvest method including type of equipment to be used, and the expected dates of commencement and completion of all harvest activity;
 - (b) A conceptual layout of a probable future site development, drawn to scale, based on the existing zoning and physical limitations of the property, including likely building areas, roads, driveways, septic system areas and lot lines.
 - (3) The COHP shall be submitted prior to application for development and/or conducting forest practices on the project site.
 - (4) The approved COHP shall be recorded with the County Auditor by the county upon approval. The recorded COHP shall contain an expiration date which is the same as the expiration date of the COHP.
 - (5) The COHP shall be approved by the responsible official prior to application or notification to the DNR for the required Class II, Class III, or Class IV special forest practice.
 - (6) The approval of a COHP shall not release a landowner from the requirement to reforest a site pursuant to WAC 222-34.
 - b. Review Criteria.
 - (1) It shall be recognized that varying levels of management may occur in the riparian area depending on distance from the stream and functions to be provided. This shall be accomplished through approved alternate plans, which meet or exceed the current riparian function. Forest practices which utilize proven silvicultural techniques may also provide a continual source of solid wood fiber production, when executed through multiple entry limited harvests. The intended long-term benefits include an incentive through utilization, to reforest riparian areas which are currently understocked or non-stocked, to discourage overharvesting outside of the riparian areas and habitat fragmentation, and to create an older age class of the seral species and multi-structured canopies within the riparian areas.
 - (2) Long-term silvicultural plans identifying current and projected biometrics which support the function and structure of riparian habitat shall be submitted for approval by the county for harvest within those areas which are identified as riparian habitat by the Washington Department of Fish and Wildlife. Any partial harvest activities allowed in any part of the riparian areas shall be consistent with riparian management areas rules per WAC 222-30.
 - (3) COHP approvals shall comply with Clark County Code as set forth in Section 40.260.080(A)(5) except as otherwise provided by this article.
 - (4) All forested wetland and buffer boundaries shall be flagged on site and verified by the department.
 - (5) Those parcels subject to the small forest landowner exemption (RCW 76.13.130) shall be subject to the following no harvest buffers rather than the table in WAC 222-20-023. Should RCW 76.13.130 be repealed, with the intent of applying more stringent standards, Table 40.260.080-1 shall be deemed automatically repealed and replaced with the standards as found in WAC 222-30.

Table 40.260.080-1. Small Landowner Buffers for Exempt 20-Acre Parcels	
Water Type/Average Width	No Harvest Buffer Width (feet)
1 & 2 Water/75' & over	115
1 & 2 Water/under 75'	100
3 Water/5' and over	75
3 Water/under 5'	50
4 Water	50
5 Water	25

- c. Approval Authority.
 - (1) The responsible official shall review all requests for approvals, any comments received, and applicable county regulations or policies and shall inspect the property prior to rendering a decision.
 - (2) The responsible official may approve an application for a COHP, approve the application with conditions, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this article.
- d. Required Written Findings and Determinations. A COHP shall be approved by the responsible official if the application is consistent with standards referenced in Section 40.260.080(A)(5).
- e. Reforestation. All COHPs that are converted must have forested wetland buffers reforested within the following two planting seasons after harvest in accordance with standards in WAC 222-34.
- f. Conversions. Conversion of property subject to an approved COHP is prohibited for two (2) years following date of county approval unless a significant hardship is demonstrated, through a Type I process pursuant to Section 40.510.010, relating to the death or disability of the landowner.
- g. Vesting. Residential plat applications submitted within ten (10) years following COHP approval shall be subject to local land development codes in effect on the date of COHP approval, except that subsequently enacted critical area ordinance amendments related to recovery of threatened or endangered fish shall apply.
- h. Recorded Covenant. A declaration shall be recorded giving notice of the conversion option harvest plan and approval conditions with the protective measures relating to the conversion. This covenant shall be binding upon the landowner and successors in interest for a period of ten (10) years from the date of timber harvest.

C. Development Moratoria

- 1. Purpose. This article provides the criteria for establishing development moratoria. The article also provides standards for the hearing examiner to remove a six- (6) year development moratorium.
- 2. Development moratoria.
 - a. General Requirements. All development moratoria established pursuant to this article shall be mandatory. Development applications and project construction for any development activity shall be prohibited for a term of six (6) years on a site subject to a moratorium.
 - b. Actions That Result in a Development Moratorium. The following actions shall result in a six (6) year development moratorium being imposed:
 - (1) The approval or notification by the Department of Natural Resources of a Class II, III, or IV special forest practices permit that does not have an associated COHP approval;
 - (2) The violation of a COHP or Class IV general forest practice permit;
 - (3) Activity that meets the definition of a Class II, III, or IV forest practices on a parcel without an approved forest practices application or notification;
 - (4) No development action shall occur within an approved COHP unless granted relief under Section 40.260.080(C)(3), unless authorized by the COHP.
 - c. Consequences of a Development Moratorium.

- (1) Clark County shall terminate review of any application for development of land which is, or becomes, subject to a six (6) year development moratorium. A new application shall be required for development of the site after the six (6) year moratorium expires.
- (2) Clark County shall not accept applications for any development of land which is subject to a six (6) year moratorium, during the moratorium period.
- (3) All development moratoria recorded by Clark County shall extend to the harvest area indicated in the forest practices permit or COHP. If no forest practice permit or COHP was issued, the moratorium shall apply to the entire parcel.
- (4) Prior to any development permit application, the property owner shall be required to submit a Class IV general permit application on land that was cleared without a required forest practice application or notification, without an approved COHP, or in violation of a Class II, Class III, or Class IV special permit.
- (5) Clark County shall notify the appropriate state agency if a forest practice activity that meets the definition of a Class II, III, or IV special forest practices has been initiated on a parcel without an approved forest practices application or notification.
- d. Effective Date of a Moratorium.
 - (1) The six- (6) year development moratorium shall be imposed from the effective date of a Class II, Class III, and Class IV special forest practice permit.
 - (2) If a forest practice occurs on a site without the appropriate permit, a six- (6) year development moratorium shall be recorded from the date the unpermitted forest practices were documented by Clark County or the Department of Natural Resources.
 - (3) Where a site is subject to an approved Class II, III, or IV special forest practices permit with or without a COHP, forest practices occurring at the site which are outside the scope of the approved permit shall be considered unpermitted forest practices for moratorium purposes. In these cases, a six (6) year development moratorium shall be imposed from the date the unpermitted forest practices were documented by Clark County or the Department of Natural Resources.
 - (4) If a condition of a COHP approval is significantly violated, a six (6) year development moratorium shall be recorded from the date the associated forest practice approval became effective.
3. Request for lifting of development moratorium. Any development moratorium established pursuant to Section 40.260.080(C)(2) may be lifted by the hearing examiner when the following requirements are met.
 - a. Public Hearing Required.
 - (1) The responsible official shall set a date for public hearing before the hearing examiner after all the requests for additional information or plan correction have been satisfied.
 - (2) The public hearing shall follow the procedures set forth in Subtitle 40.5, Procedures.
 - b. Review Criteria. The hearing examiner shall consider the lifting of a development moratorium established pursuant to this section when the following criteria are met:
 - (1) The forest practices conducted on the site meet the standards set forth in Section 40.260.080(A)(5).
 - (2) Corrective actions are implemented which would bring the forest practices into compliance with this section.
 - (3) If critical areas or critical area buffers have been damaged, the hearing examiner may impose increased critical area buffer standards together with additional requirements to mitigate the damage, the cost of which shall equal at least twice the value of the timber harvested within a critical area and buffer.
 - c. Approval.
 - (1) The hearing examiner shall review all requests for removal of a development moratorium, any comments received, and applicable county regulations or policies and may inspect the property prior to rendering a decision.
 - (2) The hearing examiner may approve an application for a request to remove a development moratorium, approve the application with conditions, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this article.

- d. Required Written Findings and Determinations. Removal of a development moratorium shall be approved by the hearing examiner if the application meets the review and approval criteria in subsections (3)(b) and (3)(c) of this section.

D. Single-Family Dwelling Moratoria Waiver

1. Purpose. To authorize the construction of one (1) single-family dwelling unit on a site that is subject to a six- (6) year development moratorium.
2. Request for single-family dwelling moratoria waiver. The responsible official, through a Type I procedure and without additional fee, shall waive the six- (6) year moratorium solely for construction of one (1) single-family residence and related accessory buildings on a building site outside of urban growth boundaries, under the following conditions:
 - a. The parcel is a legal lot of record;
 - b. The building site area intended as developed property shall not exceed two (2) acres in size;
 - c. The construction activity is consistent with Chapters 40.450 (Wetland Protection), 40.440 (Habitat Conservation), 40.430 (Geologic Hazard Areas), and 40.460 (Shoreline Overlay District) including the shoreline management master program;
 - d. The harvest was conducted under, and consistent with, an approved forest practices permit in compliance with the State Forest Practices Act;
 - e. A binding written commitment submitted to, and approved by, the county, and recorded by the applicant with the County Auditor, so as to run with the land, which:
 - (1) Contains a site plan depicting the building site area, any critical areas within the building site area, and access roads,
 - (2) Commits the applicant to complete the reforestation in accordance with applicable forest practice reforestation requirements for areas other than the building site area;
 - f. The development moratorium shall remain in effect for all other non-forestry uses of the site that are subject to county approval.

40.260.090 GARAGE SALES

Garage sales are permitted without special permit provided they meet the following standards:

- A. Sales last no longer than three (3) days;
- B. Sales are held no more than twice in a calendar year;
- C. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants;
- D. Any signs shall be freestanding and removed within twenty-four (24) hours of completion of the sale. Each sign shall state the owner's name, address and telephone number and inclusive dates of the garage sale. A garage sale sign permit is not required if the sign(s) comply with this section;
- E. All signs placed on private property shall have the owner's permission; and
- F. No sign shall be larger than two (2) feet by three (3) feet.

40.260.100 HOME OCCUPATIONS

- A. General. Home occupations are activities commonly carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Two types of home occupations, Types I

and II, are regulated and are distinguished by the potential impacts they represent to the neighborhood. The major distinctions are summarized in the following table:

Type I	Type II
In Dwelling Only	Dwelling, Garage or Accessory Structure
Use maximum of 25% of habitable floor area for home occupation	Use maximum of 25% habitable floor area of 400 square feet in the urban area or 1,000 square feet in the rural area of a garage or accessory structure
1 sign up to 2 square feet	1 sign up to 2 square feet
No use or storage of heavy vehicles or heavy equipment such as construction equipment used in a business. No distribution except by mail or parcel service.	No use or storage of heavy vehicles or heavy equipment or involve warehousing. No distribution except by mail or parcel service.
Only incidental accessory retail sales	Only incidental accessory retail sales

B. Type I Home Occupation.

1. The applicant shall obtain a permit which shall apply only to the applicant(s) and to the property occupied by the applicant at the time the permit is issued.
2. No employees shall be permitted.
3. Type I Home Occupations shall:
 - a. Be operated entirely within the applicant's dwelling by the resident of the dwelling exclusively;
 - b. Use not more than twenty-five percent (25%) of the habitable floor area (may include the basement, but not an attached or detached garage);
 - c. Limit any external evidence of an occupation to one sign approved pursuant to Chapter 40.310, including obtaining a sign permit pursuant to Section 40.310.010(E) and the requirements of Table 40.310.010-2;
 - d. Not involve the use or storage of tractor trailers, semi-trucks or heavy equipment such as construction equipment used in a business, except in the rural area where a single vehicle and/or tractor/trailer parked off-street and used solely by the resident of the home is permitted;
 - e. Involve no retail sales on the premises, except as incidental to the home occupation (example would be selling shampoo from a low-intensity in-home hair dresser); and,
 - f. Produce no noise or obnoxious odors, vibrations, glare or fumes detectable to normal sensory perception at the property line, or cause electrical interference on electronic equipment.
4. Adequate on-site parking shall be provided to accommodate the number of customers allowed on the site at one time. Such occupation shall involve fewer than six (6) customers daily entering the premises or six (6) vehicle trip ends, including deliveries, such number to be specified in the application.

C. Type II Home Occupation.

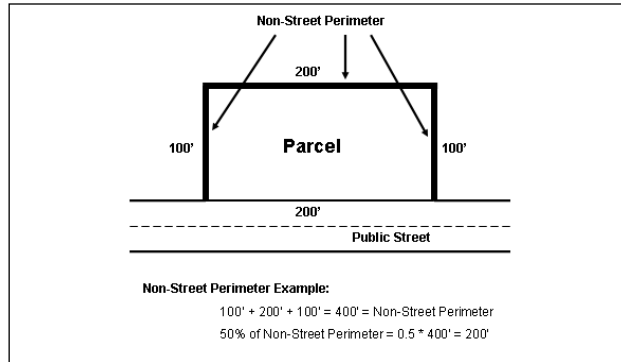
1. The applicant shall obtain a permit which shall apply only to the applicant(s) and to the property occupied by the applicant at the time the permit is issued.
2. Home occupations, inside the urban growth area, shall use no more than twenty-five percent (25%) of the habitable floor area (may include the basement but not a garage or accessory building); or shall use no more than four hundred (400) square feet of allowed accessory structure or garage. Outside the urban growth area, no more than twenty-five percent (25%) of the habitable floor area (may include the basement, but not the garage); or where an accessory building is used, other than storage of farm equipment or farm vehicles, the home occupation shall be limited to one thousand (1,000) square feet.
3. Type II Home Occupations shall:
 - a. Be operated entirely within a residential structure or permitted accessory structure;
 - b. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character. Examples of inappropriate exterior remodeling include enlarging a garage or garage door to accommodate equipment related to an occupation, constructing a structure larger than

- the dwelling and garage to accommodate the occupation or storage of material and equipment related to it;
- c. Limit any external evidence of an occupation to one sign approved pursuant to Chapter 18.409, including obtaining a sign permit pursuant to Section 40.310.010(E) and the requirements of Table 40.310.010-2;
 - d. Not involve the outside use or storage of heavy vehicles or heavy equipment or involve warehousing or distribution, except in the rural area where a single vehicle and/or tractor/trailer parked off-street and used solely by the resident of the home is permitted;
 - e. Involve no retail sales, except as incidental to the home occupation (example would be selling shampoo from a low-intensity in-home hair dresser);
 - f. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception at the property line;
 - g. Involve fewer than twelve (12) customers daily entering the premises;
 - h. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling; and,
 - i. Provide a plan for any additional on-site parking needed to accommodate the use. Any additional parking needed to accommodate the use shall be screened from abutting property by a minimum five (5) foot tall solid fence or hedge. Hedge shall be installed immediately and provide a six (6) foot solid screen within one (1) year of approval.
4. No Type II home occupation shall be established when an accessory dwelling unit is present on the site.

40.260.110 RESIDENTIAL IN-FILL

- A. Purpose. The intent of this section is to encourage the development of by-passed urban parcels in the R1-5, R1-6 and R1-7.5 zones. The ordinance includes incentives, design criteria and increased public notification standards to encourage infill while also striving to retain neighborhood compatibility.
- B. Applicability.
- 1. Eligibility Criteria. This section may be applied to parcels created by legal land division, consistent with RCW 58.17 prior to October 1, 2002 that meet all of the following:
 - a. The parcel is within the R1-5, R1-6 or R1-7.5 zoning district; and
 - b. The maximum gross size of the parcel is two and one-half (2.5) acres or smaller. In existing subdivisions recorded after December 31, 1961, if all contiguous lots are developed with existing dwellings, the gross size of the parent parcel must be at least 20,000 square feet; and
 - c. The proposed development can and will be served by urban services at the time of final plat or site plan approval; and
 - d. There is urban development abutting the subject site on at least fifty percent (50%) of its non-street perimeter. For the purposes of this section, “non-street perimeter” shall mean that portion of the perimeter of the parcel that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.

**Figure 40.260.110-1.
Illustration of Eligibility Criterion (B)(1)(d),
Non-Street Perimeter Example**



2. For the purposes of Section 40.260.110, “urban services” shall mean public water system and public sewer service. (See Chapter 30.370.)
 3. For the purposes of Section 40.260.110, “urban development” shall mean a parcel that meets at least one of the following criteria:
 - a. Parcels two and one-half (2.5) acres or smaller in gross size that have existing residential development; or
 - b. All parcels with existing non-residential or multi-family structures that are currently receiving urban services; or
 - c. Tax exempt parcels, regardless of development status; or
 - d. All plats which have received final approval and are recorded within the last five (5) years from the date of application for short plat or subdivision.
- C. Applicability of the Standards. There are two levels of infill standards and incentives: Tier 1 and Tier 2. The Tier 2 infill standards offer greater incentives but require a neighborhood meeting and a larger rear setback. Application of either the Tier 1 or Tier 2 infill provisions of this section is an option available for parcels that meet the eligibility criteria. However, all infill parcels created as a result of the application of this section and the subsequent infill development on those parcels shall be subject to the standards of this section.
- D. Definitions.
For the purposes of this section, the following definitions apply:

Infill parent parcel	“Infill parent parcel” is the larger parcel of land from which infill parcels are divided.
Infill Land Division	“Infill Land Division” is the division of an infill parent parcel using some or all of the standards of this section. Tier 1 Infill Land Divisions are those divisions that utilize only the Tier 1 standards of this section. Tier 2 Infill Land Divisions are those divisions that utilize one or more of the Tier 2 standards of this section.
Infill parcels	“Infill parcels” are either parcels that meet the eligibility criteria in Section 40.260.110(B)(1) or those parcels created by the land division of an infill parent parcel through the application of the standards in this section. Tier 1 Infill Parcels are created as a result of Tier 1 Land Divisions. Tier 2 Infill Parcels are created as a result of Tier 2 Land Divisions.
Infill development	“Infill development” is the subsequent residential development on infill parcels.

Infill Duplex	“Infill Duplex” is a two-family dwelling or duplex and shall mean a building designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units and located on one legal lot.
Infill Development Plan	“Infill Development Plan” is a plan that is required to be submitted with attached single-family infill development which identifies the existing and proposed lot and building design characteristics.

E. Relationship to Other Development Standards.

1. All of the provisions of the county code that would apply to a non-infill project shall apply to infill projects except as specifically modified by this section.
2. If there is a conflict between the standards of this section and the provisions of any applicable overlay district, the overlay district standards shall supersede the standards of this section.

F. Procedures.

1. Development on Infill Parcels. All development on infill parcels created pursuant to this Section 40.260.110 shall be subject to the standards for Infill Development. The applicable Infill Development Standards shall be recorded as a deed restriction with the final plat as a condition of approval.
2. Pre-Application Meeting. A pre-application meeting shall be held prior to submission of a Type II or III application for an infill land division. Pre-application meetings required may not be waived. In addition to requirements of Chapter 40.510 for notification and attendance of meetings, the following shall apply for infill developments.
 - a. Staff shall mail notice of the meeting at least fifteen (15) days prior to the meeting to residents and owners of property within a radius of three hundred (300) feet of the subject property. The records of the County Assessor shall be used for determining the property owners of record.
 - b. Members of the public shall be allowed to comment on the proposal during a specified comment period at the meeting.

G. Tier 1 Infill Standards and Incentives. Tier 1 Infill Parcels, infill land divisions and the subsequent infill development on Tier 1-infill parcels shall be subject to the following standards and incentives.

1. Parcel Area Averaging. Within an infill land division for detached single family development, the minimum/maximum parcel area may be averaged as long as no parcel is smaller than the minimum parcel area identified in Table 40.260.110-1 and provided that the proposed land division complies with the minimum and maximum density standards of the underlying zone. Minimum parcel area shall not be further reduced by a variance procedure in Section 40.550.020. However, this shall not preclude variances to other standards.

Table 40.260.110-1. Minimum Parcel Area for Detached Single Family Dwellings	
Zoning District	Minimum Parcel Area Detached Single Family (in square feet)
R1-5	4,000 sf
R1-6	4,500 sf
R1-7.5	6,000 sf

2. Minimum Parcel Width and Depth. Within an infill land division, lot width or depth standards in Section 40.220.010(C)(1) shall not apply. However, subsequent development on infill parcels, which were created with less than the minimum width and depth required by the base zone, shall not be granted a variance to the minimum setback or frontage requirements.
3. Setbacks. Infill Parcels developed under provisions of this section shall comply with setback requirements of Section 40.220.010(C)(1), except as follows:

- a. Minimum Front Setback.
 - (1) Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) Ten (10) feet for all other structures.
 - b. Minimum Side Setback.
 - (1) Where vehicular access is through the side setback - Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) All other uses shall comply with the standard side setbacks of the applicable zoning district.
 - c. Minimum Rear Setback.
 - (1) Where vehicular access is through the rear setback -Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) All other uses shall comply with the standard rear setbacks of the applicable zoning district.
- H. Ineligibility to Use Density Transfer. Infill developments are not eligible to use Section 40.220.010(C)(2), Density Transfer provisions.
- I. Tier 2 Infill Standards and Incentives. In addition to the infill eligibility criteria in Section 40.260.110(B), Tier 2 infill land divisions and the subsequent development on those Tier 2 infill parcels shall be subject to the following standards and incentives.
- 1. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submission of a Type II or III application for a Tier 2 Infill Land Division. The applicant shall hold a public meeting to offer owners of property adjacent to the affected property an opportunity to participate in the development process. A pre-application conference is not a substitute for the required neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines established by the county.
 - a. The neighborhood meeting shall be held no earlier than ninety (90) days prior to submittal of the application.
 - b. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the neighborhood meeting to:
 - (1) the official representative(s) of the county-recognized neighborhood association(s), if applicable, in whose boundaries the affected property is located, based on the list of official neighborhood associations kept by the responsible official, and
 - (2) residents and property owners of record of property within a radius of five hundred (500) feet of the subject property. The records of the County Assessor shall be used for determining the property owners of record, and
 - (3) the responsible official.
 - c. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
 - d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list, meeting summary and the sign-in sheet from the meeting shall be submitted with the application.
 - 2. Minimum Parcel Area.
 - a. Infill parcels for attached single family development shall meet the minimum parcel area and density requirements in Table 40.260.110-2, though parcel area averaging may be used per Section 40.260.110(I)(5)(d), as long as the overall density in Table 40.260.110-2 is met.

Table 40.260.110-2. Minimum Parcel Area for Single Family Dwellings	
Zoning District	Minimum Lot Area (in sq. ft.) and Density
R1-5	4,000 sf / 10.9 dwelling units/acre
R1-6	4,500 sf / 9.7 dwelling units/acre
R1-7.5	6,000 sf / 7.3 dwelling units/acre

- b. Minimum parcel area shall not be further reduced by a variance procedure in Chapter 40.570. However, this shall not preclude variances to other numerical standards, nor shall it preclude parcel area averaging under Section 40.260.110(I)(5)(d).
- 3. **Maximum Lot Coverage.** Maximum lot coverage may be sixty-percent (60%) in a Tier 2 infill development. An additional 10% of lot coverage, for a maximum of seventy percent (70%), may be granted by the responsible official through a Type II process if the responsible official finds that allowing additional lot coverage on the subject site will not result in unmitigatable negative impacts on neighboring properties.
- 4. **Setbacks.** Minimum setbacks in all zones shall be as follows:
 - a. **Minimum Front Setback.**
 - (1) Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) Ten (10) feet for other buildings as defined in 40.100.070.
 - b. **Minimum Side Setback.**
 - (1) Single family attached dwellings – interior side setback between attached buildings may be zero (0) feet.
 - (2) Where vehicular access is through the side setback--Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (3) All other uses shall comply with the standard side setbacks of the applicable zoning district.
 - c. **Minimum Rear Setback.**
 - (1) Where vehicular access is through the rear setback--Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) The minimum rear setback shall be ten (10) feet when the rear setback of the proposed infill development abuts parcels with existing single family dwellings.
 - (3) All other uses shall comply with the standard rear setbacks of the applicable zoning district.
- 5. **Additional Dwelling Types Allowed.** In addition to the uses allowed by Section 40.220.010, duplexes and attached single family dwellings are allowed on infill parcels subject to the Tier 2 standards of this section:
 - a. Infill developments of three (3) or fewer parcels may have a duplex on a maximum of one (1) parcel. Infill land divisions which result in more than three (3) parcels may have duplexes on a maximum of one-third of the parcels. When the calculation of minimum density results in a fraction of a dwelling unit, the applicant must round down to the nearest whole unit. Infill parcels for duplex development shall meet the minimum parcel area requirements in Table 40.260.110-3 and shall be noted on the face of the plat. The maximum parcel area standards of Section 40.220.010 shall not apply to infill parcels for duplex development.

Table 40.260.110-3. Minimum Parcel Area for Duplex Dwellings	
Zoning District	Minimum Parcel Area (sq. ft.)
R1-5	6,000 sf
R1-6	8,000 sf
R1-7.5	10,000sf

- b. **Procedures.** Attached single-family development proposals using the provisions of this section shall be subject to the following procedures:
 - (1) Land divisions shall be reviewed according to Chapter 40.540.
 - (2) Infill development shall require submittal of an infill development plan. Where land is to be subdivided, development proposals must receive approval of an infill development plan demonstrating how the proposal complies with this chapter and all other applicable requirements. The infill development plan consistent with subsection (b)(6) below shall be submitted and reviewed in conjunction with the land division application.

- (3) Preliminary plats may not be approved without approval of the submitted infill development plan. Both the infill development plan and preliminary plat must be fully consistent with standards of this and all other applicable regulations.
- (4) Preliminary plats may be approved only where conditions of approval are established to ensure that subsequent development on the resultant parcels shall occur consistent with the approved infill development plan.
- (5) Building permits may only be approved where fully consistent with the approved infill development plan and land division for all units with common walls.
- (6) Developments meeting all requirements of this section are exempt from review under 40.520.040, Site Plan Review, pursuant to Section 40.520.040(A)(4)f); however, all elements required for a Proposed Development Plan as listed in Table 40.510.050-1, items 9 - 12 shall be submitted at the time of infill land division application. These elements shall be considered the Infill Development Plan.
- c. Building Mass Supplemental Standard. The maximum number and width of consecutively attached single family attached (i.e., with attached walls at property line) shall not exceed four (4) units.
- d. Parcel Area Averaging. Within an infill land division for attached single family development, the minimum/maximum parcel area may be averaged as long as no parcel is smaller than the minimum parcel area identified in Table 40.260.110-4 and provided that the proposed land division complies with the minimum and maximum density standards in Table 40.260.110-2. Minimum parcel area shall not be further reduced by a variance procedure in Section 40.570.020. However, this shall not preclude variances to other standards, except as indicated in Section 40.260.110(G)(2).

Table 40.260.110-4. Parcel Area Averaging Minimum Parcel Area for Attached Single Family Dwellings	
Zoning District	Minimum Parcel Area for Attached Single Family (in square feet)
R1-5	3,000 sf
R1-6	4,000 sf
R1-7.5	5,000 sf

- e. Alley Access. Single family attached subdivisions (creation of four (4) or more parcels for single-family attached dwellings) shall receive primary vehicle access from a rear alley if a public alley exists within or adjacent to the subdivision. Existing or new alleys on site that meet, at a minimum the standards of Table 40.350-030-4, Infill B Private Roadway, may use the design and construction standards in Infill B Private Roadway and Drawing 18 of the Standard Details Manual. All other alleys must meet the design and construction standards of Infill A Roadways, Drawing 17 of the Standard Details Manual, regardless of the number of units, as long as a primary access road also serves the development site.
- f. Pedestrian Pathways. As necessary, the county shall require dedication of right-of-way or easements and construction of pathways between single family attached parcels (e.g. between building breaks) to provide for pedestrian connectivity.
- g. Common Areas. If provided, Common Areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of the applicable covenants, conditions and restrictions shall be provided to the county for review prior to final plat approval and recorded concurrently to the final plat.
- h. Design Requirements for Duplexes and Attached Single Family Dwellings. In order to encourage the compatibility of new infill duplex and attached single family development with the surrounding neighborhood, all new infill duplexes and infill attached single-family dwellings shall utilize at least four of the following design features:
 - (1) dormers

- (2) recessed entries
- (3) cupolas
- (4) bay or bow windows
- (5) attached garage
- (6) window shutters
- (7) a roof with a pitch greater than nominal 8:12
- (8) off-sets on building face or roof (minimum 12")
- (9) gables
- (10) covered porch or entry with pillars or posts
- (11) eaves (minimum 6")
- (12) tile or shake roof
- (13) horizontal lap, shingle, shake, brick or stone masonry siding. Lap siding, shingles, and shakes shall be exposed a maximum of 6 inches to the weather. Brick, or stone masonry when used as a veneer material must be at least 2 ½ inches thick.
- (14) garage set at least 10 feet behind the front face of the primary dwelling unit.
- (15) exterior window trim that is a minimum of 4 inches in width.
- (16) other design features which reflect the architectural character of residences within 500 feet of the proposed development.

40.260.120 MINES, QUARRIES AND GRAVEL PITS

Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be permitted uses in any district established by this title except as provided in specific districts, unless a surface mining overlay district has been obtained, as provided for in Section 40.250.020, except for on-site excavation and grading in conjunction with a specific construction or improvement project. Odor, dust, noise or drainage shall not be permitted to create or become a nuisance to surrounding property. The responsible official may approve a request for an aggregate extraction for a single construction project for a period not to exceed ten (10) days in operation and not requiring a state permit, in accordance with Section 40.260.220 (Temporary Uses).

40.260.130 MOBILE HOMES ON INDIVIDUAL LOTS—STANDARDS AND REQUIREMENTS

A. Use.

1. Exemptions. Mobile home placements are exempt from the requirements of this section on all legal residential lots in existence prior to May 5, 1998 in the unincorporated area. This subsection does not apply outside urban growth boundaries.
2. Applicability. In the R1-20, R1-10, R1-7.5, R1-6, R1-5, R-12, R-18, OR-15 and OR-18 districts, mobile homes are prohibited on individual lots in residential land divisions submitted to Clark County after November 19, 1997 unless those land divisions are approved consistent with the standards in this subsection. Developments subject to this subsection shall meet established minimum densities.
3. Land divisions in urban growth areas approved after November 19, 1997, which were not originally designated for mobile homes on the final plat, may subsequently be reviewed for placement of mobile homes following a Type III Plat Alteration review pursuant to Section 40.540.120 subject to the standards in this subsection.

B. Preliminary Plat Requirements. The preliminary plat shall contain the following information:

1. Identify the location, dimensions and square footage of the buildable area and all required setbacks on each lot.
2. A note indicating that mobile homes are permitted.
3. A scale drawing of a representative sampling of the smallest and unusually configured proposed lots to demonstrate that a mobile home and any planned and required accessory structure can be accommodated within the building envelopes of the lots.

- C. Final Plat Requirements. The final plat shall contain the following information:
1. Identify the location, dimensions and square footage of the buildable area and all required setbacks on each lot.
 2. A note indicating that mobile homes are permitted.
- D. Mobile homes on lots approved pursuant to this subsection shall meet the following requirements.
1. Minimum Size. Two fully enclosed parallel sections of not less than eight hundred sixty-four (864) square feet or a multi-story structure with equivalent square footage.
 2. Minimum Dimensions. Twenty-four (24) feet by thirty-six (36) or eight hundred sixty-four (864) square feet.
 3. Minimum roof pitch and materials: Roof pitch shall not be less than a 2.85 foot rise for each twelve (12) feet of horizontal run. Roof original construction shall be with composition or wood shake or shingle, nonreflective coated metal, or similar material.
 4. Skirting and Siding. Except where the foundation base of the mobile home is flush to ground level, each mobile home shall install skirting material which is of similar material, color and pattern as the siding of the home; or a masonry foundation. Exterior siding shall be similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.
 5. Age of Mobile Home. The mobile home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.
 6. Storage or Garage. Each mobile home shall have a minimum of two (2) off street parking spaces pursuant to Table 40.340.010-4. In addition, each mobile home shall provide:
 - a. In the R1-20, R1-10, R1-7.5 zones, a minimum of an enclosed single car garage of not less than two hundred eighty-eight (288) square feet.
 - b. In the R1-6, R1-5, R12, R18 and OR-18 zones, a minimum of a storage building containing a floor area of at least one hundred (100) square feet.
 - c. Where required, each garage or storage building shall be constructed of the same exterior material which is similar in color and pattern as the siding of the home.
 7. Where the owner of the mobile home is not the sole owner of the lot upon which the mobile home is to be located, both the property owner and the mobile home owner shall jointly apply for the mobile home placement permit. Due to the applicability of the Mobile Home/Landlord Tenant Act, the mobile home owner shall not be responsible for paying impact fees, sewer connection fees or other entrance fees pursuant to RCW 59.20.060 2(e).

40.260.140 MOBILE HOME PARKS—STANDARDS AND REQUIREMENTS

- A. Use. A mobile home park may be placed or located on any parcel of land in any multi-family (R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30 and OR-43) district upon approval of the responsible official, and provided such mobile home park is for residential use only. Normal accessories for mobile homes, such as awnings, patios, carports, ramadas, cabanas, or storage buildings shall be allowed.
- B. Criteria for Locating a Mobile Home Park. The following criteria must be taken into consideration in the establishment of mobile home parks:
1. Adequate buffering or screening may be required in order to make the mobile home park compatible with adjacent surrounding residential uses. Buffering and screening shall be required when such parks abut commercial and industrial zones.
 2. Mobile home parks should not be located within areas less than five (5) acres nor more than fifty (50) acres in area, unless it is demonstrated to the responsible official that lesser or greater concentration of the use would be compatible with the surrounding property and its use, and that such variation is in the interest of the public health, safety and general welfare.
 3. The park must have its primary direct access to a county or public road, which shall have a minimum right-of-way of sixty (60) feet, as shown on the master plan.

C. Mobile Home Space Requirements.

1. Coverage. A mobile home and all accessory structures shall not occupy more than fifty percent (50%) of the area of the mobile home space.
2. Density. Mobile homes shall not exceed the density of the zoning district. Density shall be calculated on the gross area of the park.
3. Setbacks. No mobile home or accessory thereto shall be located any closer than twenty-five (25) feet from a park property line abutting on a public street or road, five (5) feet from all other park property lines and five (5) feet from any such areas as a park street, a common parking area, or a common walkway.
4. Spacing. A mobile home shall be separated from an adjacent mobile home by a minimum of ten (10) feet.
5. Overnight Spaces. Not more than five percent (5%) of the total mobile home park area may be used to accommodate persons wishing to park their mobile home or camping vehicles overnight.
6. Parking. Two (2) off-street parking spaces shall be provided for each mobile home space, either on the space or within one hundred (100) feet thereof, in the mobile home park. Each parking space shall not be less than nine (9) by twenty (20) feet in size.

D. Mobile Home Park Requirements.

1. Park Streets and Walkways.
 - a. Park Streets. A park street shall connect each mobile home space to a public road. The park street shall be a minimum of thirty (30) feet in width, with a paved surface width of twenty-four (24) feet.
 - b. Walkways. Walkways of not less than two (2) feet in width shall be provided from each mobile home space to any service building, recreation area, and parking area.
 - c. Paving. Park streets shall be paved with crushed rock base asphalt or concrete surfacing.
2. Buffering or Screening. Buffering or screening, if required to make the mobile home park compatible with its adjacent surrounding uses, shall be a sight-obscuring fence, wall, evergreen, or other suitable planting. Where walls or fences are required along boundaries or public roads, the walls or fences shall be set back from the property lines to conform with setbacks for structures in the basic zone. Evergreen planting shall not be less than five (5) feet in height, and shall be maintained in a healthy living condition for the life of the mobile home park. All walls and fences shall be a minimum of five (5) feet in height and shall be approved by the responsible official.
3. Landscaping. There shall be landscaping provided within the front and side setback areas and all open areas in the mobile home park not otherwise used.
4. Signs. Signs shall comply with the provisions of Chapter 40.310, specifically Section 40.310.010(I).
5. Recreational Area. A recreational area shall be a contiguous, improved area, and be suitably maintained for recreational purposes. Such land shall be determined on a gross area basis. The amount of land to be established as recreational shall be determined by dividing the number of dwelling units into the gross development area. The following minimum areas shall be required:

Dwelling Units per Gross Acre	Recreational Area Required
5 to 6	0%
7 to 9	3%
10 to 11	5%
12 and over	8%

6. Accessories. Structures located on a mobile home space, in addition to the mobile home, shall be limited to the normal accessories, as set forth under Section 40.260.140(A). No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
7. Mobile Home Pads. Pads, stands, strips or rails adequate for the support of the mobile home shall be installed.

8. Mobile Home Skirting. All mobile homes within the mobile home park shall be skirted on their lower perimeter by fire-resistant siding, if occupied for a period of more than ninety (90) days.
- E. Mobile Home Park Approval Criteria--responsible official approval. Mobile home parks may be permitted in any multi-family district upon site plan approval by the responsible official. The responsible official shall find that the internal design proposed shall separate traffic pattern from outdoor living or recreational areas, and will group the service facilities (such as the laundry and service buildings). Further, such approval shall be in the best interest of the public health, safety and general welfare. No mobile home park shall be constructed without first obtaining site plan approval from the responsible official.
- F. Mobile Home Park Site Plan Submittal Requirements. In addition to the submittal requirements for Site Plan Review, an application for a new mobile home park shall include a plot plan of the proposed park.

40.260.150 MULTI-FAMILY RESIDENTIAL OUTDOOR RECREATION AREA STANDARDS

- A. Applicability. This section applies to multi-family developments containing twelve (12) or more residential units.
- B. Private Residential Outdoor Areas.
 1. Each ground-level residential living unit shall have an outdoor private area (patio, terrace porch, yard) containing at least forty-eight (48) square feet and a width of at least four (4) feet. A balcony used for an entrance or exit shall be considered an open space only if it is for the exclusive use of the dwelling unit in question and it contains at least forty-eight (48) square feet and a width of at least four (4) feet.
 2. Private outdoor areas for multifamily residential units shall be screened from view from other residential units, abutting land uses, and public or private streets to the extent practicable using the orientation and location of structures, windows, and private outdoor spaces, landscaping and screening, natural features such as topography and open space, and built features such as windowless walls; provided, an applicant is not required to reduce the otherwise permitted density of a proposed development or to increase the cost of a proposed development by more than five percent (5%) per unit to comply with these standards.
- C. Shared Outdoor Recreation Areas for Multi-family Residential Uses.
 1. Usable outdoor recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts:
 - a. Studio size up to and including two-bedroom units, two hundred (200) square feet per unit; and
 - b. Three or more bedroom units, three hundred (300) square feet per unit.
 2. The required recreation space may be all outdoor space or part outdoor space and part indoor space and all public or common space or part common space and part private; provided, all public and common outdoor recreation spaces shall be readily observable from residential units and/or public or private streets to allow for surveillance that contributes to greater public safety.
 3. The boundaries of public areas, such as streets or public gathering places, semipublic areas, such as transition areas between streets and dwelling units, and private outdoor areas shall be clearly defined so that a person can readily determine where the public space ends and the private space begins, such as by using one or more of the following:
 - a. A deck, patio, low wall, fence or other suitable structures;
 - b. Landscaping, such as a hedge or draping vine on a trellis or arbor;
 - c. A change in the texture of the path material;
 - d. Signs; or
 - e. Substantial natural features, such as a drainageway or tree grove.

40.260.160 NURSERY SCHOOLS, PRESCHOOLS, KINDERGARTENS, COMMERCIAL DAY CARE CENTERS, AND FAMILY DAY CARE

- A. Nursery schools, preschools, kindergartens and commercial day care centers shall comply with the following criteria:
1. Minimum site size shall be ten thousand (10,000) square feet, except, when a preschool, kindergarten or commercial day care center is designed as a part of an integrated industrial, commercial or multi-family development, in which case the minimum lot size may be reduced by the review authority, provided all other applicable code requirements are met.
 2. Provide and maintain outdoor play areas with a minimum area of one hundred (100) square feet per individual based upon total capacity.
 - a. The outdoor play area requirement shall not apply to strictly "drop-in facilities" where the individuals cared for are not on the premises for more than three (3) hours in a twenty-four (24) hour period, provided that the requirements of the Washington Administrative Code are met.
 - b. Facilities with a capacity of forty (40) individuals or more, under the licensing authority of the state Department of Social and Health Services (DSHS), and with an approved "shifting schedule" for the use of outdoor play area by DSHS, may reduce the outdoor play area provided to one hundred (100) square feet per individual using the outdoor area at any one time; however, a minimum of four thousand (4,000) square feet of outdoor play area must be provided.
 - c. Facilities with a capacity of thirty-nine (39) or less, or which do not qualify with a "shifting" schedule as stated above, may count up to fifty (50) square feet of dedicated indoor play area per individual of capacity toward the outdoor play area requirements.
 3. The play area shall be abutting the indoor facility.
 4. A sight-obscuring fence of at least four (4) feet, but not more than six (6) feet in height, shall be provided around the outdoor play area.
 5. Adequate off-street parking and loading space shall be provided pursuant to Chapter 40.340.
- B. Family day care facilities shall comply with the following criteria:
1. When located in a resource, rural or residential zone (R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, FR-40, AG-20, and AG-WL districts), no exterior structural or decorative alteration which will alter the residential character of a residence is permitted.
 2. Adequate off-street parking and loading space shall be provided pursuant to Chapter 40.340.
 3. Two (2) nonresident or non-family member employees are permitted if located within a resource, rural or residential zone.
 4. Signage shall be limited to one (1) sign, not to exceed two (2) square feet in area, for identification purposes only.

40.260.170 PRIVATE USE LANDING STRIPS FOR AIRCRAFT AND HELIPORTS

All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented that the incidence of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights.

- A. Private landing strips and heliports may be permitted upon approval of a conditional use permit only in the R-5, R-10, R-20, AG-20, FR-40, ML and MH districts.
- B. Heliports, helipads and helispots are permitted outright only in the FR-80 district.
- C. Private use heliports may also be permitted upon approval of a conditional use permit in the C-3, CL, CH and OR districts.

40.260.180 RESIDENTIAL CARE FACILITIES AND HOMES

Residential care facilities and homes, where permitted as a conditional use, shall be subject to the following:

- A. Prior to approval, the review authority shall find that:
 - 1. The applicant has received all necessary certificates and approval from state and federal agencies;
 - 2. Construction or remodeling of structures necessary to accommodate the proposed use is compatible with the surrounding neighborhood. No sign indicating its use shall be permitted;
 - 3. The use of the subject property as a residential care facility shall not result in a concentration of residential care facilities that would result in interference with the enjoyment of neighboring property, or the residential character of the neighborhood;
 - 4. Residential care facilities or residential care homes housing justice offenders and/or residents subject to partial or full confinement shall not be located within three hundred (300) feet from existing schools or licensed commercial day care centers, as measured from property line to property line at the time of siting of the residential care facility or home;
- B. Upon approval, the review authority shall:
 - 1. Limit the transferability of the conditional use permit either by providing that any transfer of ownership or management will require a new conditional use permit, or by prescribing specific criteria for such transfer to be applied by the responsible official;
 - 2. Limit service to a specific number and class or classes of individuals. Any increase in the specific number or any change in the specific class or classes of individuals shall require a new conditional use permit;
 - 3. Restrict the number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility;
 - 4. Require additional review of any subsequent remodeling. The responsible official shall determine the need for review by the review authority;
 - 5. Include such other conditions or terms as may be deemed appropriate and in the public interest to prevent interference with the use and enjoyment of public or private neighborhood property;
 - 6. Review compliance with the conditional use permit conditions of approval through submittal for responsible official review, to be conducted at one (1) year intervals.

40.260.190 RETIREMENT HOUSING

- A. Retirement housing facilities, where permitted as a conditional use, shall be subject to the following:
 - 1. Upon approval, the review authority shall:
 - a. Limit service to a specific number and age group of individuals. Any increase in the specific number or any change in the age group of individuals shall require a new permit.
 - b. Include such other conditions or terms as may be deemed appropriate and in the public interest to prevent interference with the use and enjoyment of public or private neighborhood property.
- B. Bonus densities of up to fifty percent (50%) of the zone district in which the proposed use is to be developed may be awarded by the approval authority. The review authority shall find that the building locations, height or orientation proposed for the bonus density will not interfere with the privacy of public or private property in the vicinity of the project.

40.260.200 SOLID WASTE HANDLING AND DISPOSAL SITES

- A. Purpose. The purpose of this section is:
 - 1. To provide methods of solid waste disposal which are calculated to make the most economical and efficient use of land where solid waste disposal either occurs or has occurred;
 - 2. To provide for the protection and preservation of land uses which might be adversely impacted by solid waste handling and/or disposal;

3. To ensure that solid waste handling and/or disposal sites and/or facilities will not constitute nuisances to other land uses, especially residential neighborhoods;
4. To ensure that premises utilized for solid waste handling and/or disposal are appropriately and timely reclaimed.

B. Conditional use permit.

1. Solid waste handling and disposal sites, including but not limited to transfer stations, solid waste disposal sites, sanitary landfills, and construction and demolition debris disposal sites, shall be permitted land uses anywhere within the unincorporated areas of the county, and in all zones having been created, or to be created, by the board pursuant to RCW 36.70 or RCW 35.63, except that no solid waste disposal site or solid waste handling facility shall be maintained, established, substantially altered, expanded, or improved until the person operating such site has obtained a conditional use permit as provided in this section and Section 40.520.030.
2. The following solid waste activities shall be exempt from any permit requirements of this section:
 - a. Any person may dump or deposit solid waste resulting from that person's own residential or agricultural activities onto or under the surface of premises owned or leased by that person when such residential or agricultural activity is accessory to a residential or agricultural use of the premises permitted under zoning laws.
 - b. Any person may fertilize grass, flower beds, flowers, gardens, landscaping, and any other vegetation of any kind, for commercial or residential purposes, if done accessory to, or in furtherance of a use permitted on the premises under zoning laws. This exemption shall include the disposal of sewage sludge only if a permit therefor has been obtained from the health officer.
 - c. Any composting activity accessory to another permitted use on the premises shall be a permitted use for which a permit is not required.
 - d. Solid waste activities for which a short-term permit has been issued by the health officer pursuant to Sections 24.12.330--24.12.340 of the Clark County Code; provided, that such activities are not located within residential zoning districts.
 - e. Solid waste recycling and reclamation activities not conducted on the same site as and accessory to a solid waste disposal operation; provided, that such recycling and reclamation activities shall be subject to the use regulation of this section.

C. Public Notice

1. Notice of hearing mailed pursuant to Section 40.510.030(E) shall be sent to owners of property within one thousand (1,000) feet of the proposed use.
2. The Solid Waste Advisory Commission shall be deemed a party of record for the purposes of Chapter 2.51 and Subtitle 40.5 of this code in proceedings to obtain the conditional use permit required by this section.

D. Nonconforming uses.

1. Activities for which a conditional use permit would be required by this section and for which a solid waste permit was issued by the health officer prior to March 10, 1976 pursuant to RCW 70.95, or any ordinance adopted thereunder, shall not be altered or enlarged in any manner except in accordance with the scope of approval given under such health district permit unless a conditional use permit is obtained for the alteration or enlargement.
2. Other activities for which a conditional use permit would be required by this section which were either permitted uses or legally recognized nonconforming uses prior to March 10, 1976, shall not be altered or enlarged in any manner unless a conditional use permit is obtained for the alteration or enlargement; provided, structural changes may be permitted to make structures safe for occupancy or use.
3. Activities for which a special use permit was obtained pursuant to the provisions of the former Chapter 18.70 of the Clark County Code shall be deemed to be operating under a conditional use permit and shall be subject to the transfer and enforcement provisions applicable thereto.
4. Upon application to the responsible official by the owner or occupier of a building or structure, lot, or land devoted to a nonconforming use, or by the owner or occupier of a nonconforming structure, the said owner or occupier shall be entitled to receive from said responsible official a certificate of occupancy or use

permit evidencing the date of establishment or construction and the legality of such nonconforming use or structure, and describing the elements of its nonconformity.

E. Information requirements.

In addition to the requirements of Section 40.510.050 of this title, application for a conditional use permit hereunder shall include the following information:

1. A statement and plan detailing the proposed reclamation of the site, particularly as reclamation will relate to the compatibility of the site as reclaimed with existing and anticipated land uses and zoning; and
2. Any geological or other studies which are deemed necessary to determine the appropriateness of the land for the use proposed.

F. Permit criteria. Whenever a use, or the location thereof, is permitted only if a conditional use permit is granted as provided by this section, the use and its location may be allowed subject to the following:

1. Before such approval shall be given, the review authority shall find:
 - a. That the use will not prevent the orderly and reasonable use and development of surrounding properties or of properties in adjacent zones.
 - b. That all public or private utilities necessary for the use are available, and that the roads serving the use are adequate to accommodate the type and extent of vehicular traffic.
 - c. That the reclamation plan submitted by the applicant for the proposed use and any expansion clearly demonstrates that the site as reclaimed may be utilized for uses permitted within the zoning district in which it is located.
 - d. That the proposed use and any expansion does not impair or impede the realization of the objective of the comprehensive plan, and it would not be detrimental to the public interest to grant such proposed use.
2. In making such findings, the review authority shall consider, among other things, the following criteria:
 - a. The character of the existing and probable development of uses in the district and the peculiar suitability of such district for the location of any such conditional uses;
 - b. The conservation of property values and the encouragement of the most appropriate uses of land;
 - c. The effect that the location of the proposed use may have upon the creation of undue increase of vehicular traffic congestion on public streets or highways;
 - d. The availability of adequate and proper public or private facilities for the treatment, removal, or discharge of sewage, refuse, or other effluent (whether liquid, solid, gaseous, or otherwise) that may be caused or created by or as a result of the use;
 - e. Whether the use, or materials incidental thereto or produced thereby, may give off obnoxious gases, odors, smoke, or soot;
 - f. Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration, or noise;
 - g. Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the county or by other competent governmental agency;
 - h. To the necessity for suitably surfaced space for purposes of off-street parking of vehicles incidental to the use, and whether such space is reasonably adequate and appropriate and can be furnished by the owner of the plot sought to be used within or abutting the plot wherein the use shall be had;
 - i. Whether the plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof;
 - j. Whether the use to be operated is unreasonably near to a church, school, theater, recreational area, or other place of public assembly;
 - k. Whether a hazard to life, limb, or property because of conditions created or which may be created by reason or as a result of the use, and what measures could be effectuated to eliminate or mitigate any such hazards;
 - l. What restrictions should or should not be imposed in order to secure the purposes of this section and to protect the public and surrounding property owners; and
 - m. The extent to which any of the criteria contained herein does not apply.

- G. Ownership. No permit shall be issued for a premises except with written consent of the owner or owners. Permission to engage in the use is granted to the permit applicant only or the permit applicant's transferee. Permits shall be transferable unless the approval specifies otherwise: provided, that the transferee submits proof that the performance bond or other security required pursuant to Section 40.260.200(I) remains in effect. Transferees shall engage in the use authorized by the permit only to the extent authorized by this section and the permit itself.
- H. Restrictions upon operations. Pursuant to Section 40.520.030(E), reasonable restrictions upon operations may be imposed which are calculated to secure the purposes of this section and the purposes of the comprehensive plan and this title. Such restrictions may relate to any activity anticipated from the use proposed. Examples would be: hours of operation, traffic volume, types of materials processed, volumes of materials handled, setbacks, etc.
- I. Future use of premises.
1. The future use of the premises may be limited as a condition of the granting of the permit in order to ensure that those uses of the property to be effectuated at the conclusion of the conditional use will be consistent with the character of the land and surrounding existing and permitted land uses and zoning. After the conclusion of the conditional use, the property owner or occupier will be entitled to engage in any appropriate uses allowable in the zoning district in which the use was located.
 2. A binding plan of future reclamation of the land shall be required.
 3. A binding plan of future development of land may be required.
 4. If because of the nature of the conditional use, the uses generally allowed in the zone or use district in which the property is located would no longer be suitable land uses at the conclusion of the conditional use, the consent of the owner and/or occupier to a change in zone to a zone or use-district designation which would more nearly reflect the appropriate land uses which should be allowed at the conclusion of the conditional use, may be required as a condition of permit approval as a prerequisite which must be accomplished before the permit may be issued.
- J. Permit period--Renewals--Reviews. Permit periods may vary. However, the review authority shall specify either a date upon which a permit expires, or the occurrence of an event upon which the permit expires. The permit period shall be of sufficient duration to ensure the completion of the use for which the permit is required. No permit shall be granted for a period of time in excess of twenty (20) years. Permit renewals shall be processed in the same manner as new applications.
- K. Performance bonds. Performance bonds or other security acceptable to the review authority in an amount deemed satisfactory to cover the costs of ensuring compliance with the provisions of this title and the terms and conditions of any permit issued hereunder, including required reclamation shall be required as a condition of permit approval.
- L. Conditions. Any conditions may be imposed upon the granting of a special use permit which are calculated to further the purposes of this section, and/or the purposes for which the permit is issued, and/or the purposes for which the permit is required.

40.260.210 TEMPORARY DWELLINGS

- A. Authorized—Hardship. Subject to the conditions and upon the issuance of the permit provided for herein, one (1) or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already occupied by one or more principal dwellings, for use by one of the following:
1. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and assistance necessitated by advanced age or infirmity, the need for which is documented by a physician's medical statement; or
 2. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises; or

3. Relatives over sixty-two (62) years of age with an adjusted household gross income, as defined on IRS Form 1040 or its equivalent, which is at or below fifty percent (50%) of the median family income for Clark County (as adjusted), who are related by blood or marriage to a resident of the principal dwelling;
 4. Within the forest and agricultural districts (Section 40.210.010) only:
 - a. Relatives, or
 - b. A purchaser of the lot, tract, or parcel if a seller who is at least sixty (60) years of age has retained a life estate to occupy the principal dwelling as a primary residence.
- B. Conditions. Temporary dwellings authorized herein shall be subject to the following minimum conditions:
1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this section; provided, that:
 - a. One (1) temporary dwelling may be approved for each authorized permanent dwelling, if the tract or parcel of which it is a part is either:
 - (1) One (1) acre or larger in size; or,
 - (2) Able to comply with the residential density standards for the applicable zoning district with the addition of the temporary dwelling(s). For example, the addition of one temporary dwelling on a 10,000 square foot lot in the R1-5 zoning district with one existing dwelling.-
 - b. Within the agriculture and forest districts (FR-80, FR-40, AG-20):
 - (1) The additional dwelling(s) private well and septic system shall be located where they will minimize adverse impacts on resource land,
 - (2) If practical, the temporary dwelling shall be located within two hundred (200) feet of the principal dwelling.
 - c. The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists; provided, that the additional dwelling authorized by Section 40.260.210(A)(4)(b) need not be a temporary structure if the declaration required by Section 40.260.210(C)(1)(e) includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate.
 2. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.
 3. No more than one (1) temporary dwelling shall be authorized under this chapter if the primary dwelling is a mobile home.
 4. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision requirements.
- C. Permits.
1. Applications for a single temporary dwelling permit shall be subject to a Type I review process pursuant to Section 40.510.010. Applications shall be accompanied by a processing fee established for mobile home placement permit, and shall include:
 - a. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing buildings; and the proposed location of the temporary dwelling;
 - b. A description of the proposed temporary dwelling;
 - c. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;
 - d. Statement signed by the applicant describing the hardship or need; provided, that if the applicant is relying upon Section 40.260.210(A)(1), a letter from a medical doctor verifying the need for continuous care and assistance shall also be submitted;
 - e. A declaration to be filed with the County Auditor upon approval of the application setting forth the temporary nature of the dwelling.
 2. Applications seeking approval for two (2) or more temporary dwellings on the same lot, tract or parcel are subject to conditional use permit approval as set forth in Section 40.520.030.

3. A temporary dwelling permit shall be valid for two (2) years, and may be renewed by the issuing body for successive two- (2) year periods upon written substantiation by the applicant to the continuing hardship or need justification. Upon the expiration of the two- (2) year period, or at the end of each successive two- (2) year period(s), if granted, the applicant shall notify the responsible official in writing that the temporary dwelling has been removed and, further, said notice shall include a request for an inspection to determine that the temporary dwelling has, in fact, been removed in compliance with the permit.
- D. Revocation. In addition to any other remedies provided for by law, violation of permit conditions, standards of this chapter, or other applicable land use requirements, including the provisions of Chapter 9.24 of the Clark County Code, shall constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered following a public hearing by the hearing examiner, whose decision shall be final and not appealable to the board.

40.260.220 TEMPORARY USES

The responsible official may approve temporary permits, with conditions to mitigate negative impacts, valid for a period of not more than one (1) year after issuance, for temporary structures or uses which do not conform to this zoning code.

Prior to granting a temporary permit under this section, other than subsection (H), the responsible official shall require that the applicant provide a cash or surety bond of not less than one thousand dollars (\$1,000), nor more than two thousand five hundred dollars (\$2,500), payable to the County Treasurer. Upon the expiration of the temporary permit, the applicant shall have thirty (30) days within which to remove and/or discontinue such temporary use or structure. If at the end of this time period such temporary use or structure is not removed or discontinued, said cash or surety bond shall be forfeited.

- A. Upon approval, temporary permits may be issued for the following uses or structures:
 1. Storage of equipment and materials during the building of roads or other developments;
 2. Temporary storage structures for the housing of tools and supplies used in conjunction with the building of roads or other developments;
 3. Temporary office structures;
 4. Temporary housing for personnel such as watchmen, labor crews, engineering, and management;
 5. Use of equipment essential to and only in conjunction with the construction or building of a road, bridge, ramp, dock, and/or jetty located in proximity to the temporary site; provided, that the applicant shall provide a construction contract or other evidence of the time period required to complete the project; and provided further, that the following equipment shall be considered essential to and in conjunction with such construction projects:
 - a. Portable asphalt concrete-mixing plants,
 - b. Portable concrete-batching plants,
 - c. Portable rock-crushing plants,
 - d. Accessory equipment essential to the use of the aforementioned plants;
 6. Temporary uses and structures otherwise permitted within the zone which will remain up to one (1) year on an existing lot or parcel where compliance with site plan review and landscaping requirements are impractical;
 7. Temporary uses and structures not specified in any zone classification subject to applicable provisions of this code, provided that such uses and structures may not be approved by the responsible official for a period of greater than thirty (30) days;
 8. Outdoor public amusements, entertainment or assemblies. Such permits shall be subject to the provisions of Chapter 5.32 of this code and circuses, carnivals or amusement rides shall also be subject to 40.260.060;
 9. The responsible official may approve a request for an aggregate extraction for a single construction project for a period not to exceed ten (10) days in operation and not requiring a state permit, providing that all applicable provisions of this code are met by the applicant.

- B. Temporary permits may be renewed by hearings examiner approval through a Type III process pursuant to Subtitle 40.5; provided, that proof of additional time needed to complete said project is provided by the applicant.
- C. The second application under this section on a specific piece of property within three (3) years of the original issuance of the permit shall require a hearing before the hearings examiner prior to the issuance of a second permit.

40.260.230 TOWNHOUSE DEVELOPMENTS (SINGLE FAMILY ATTACHED DWELLINGS)

- A. Purpose. To provide opportunities for individual home ownership in the multifamily and mixed use zoning districts by allowing townhouse developments consistent with minimum density requirements of the base zones. This section provides alternative dimensional standards and additional requirements which allow for the division of land into small lots in conjunction with the construction of attached single-family units commonly referred to as rowhouses or townhouses.
- B. Eligibility. Attached single-family developments within the R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43 and Mixed Use (MX) zoning districts are allowed.
- C. Requirements.
 - 1. Procedures. Townhouse development proposals using the provisions of this title shall be subject to the following procedures:
 - a. Land divisions shall be reviewed according to Chapter 40.540 and RCW 58.17.
 - b. In addition, when the land is subdivided, development proposals must receive approval of a site plan demonstrating how the proposal complies with this section and all other applicable requirements. The site plan shall be submitted and reviewed in conjunction with the land division application. The following materials are required:
 - (1) Seven (7) copies of a site plan including one reduced copy (maximum eleven (11) inches by seventeen (17) inches), drawn to scale with dimensions, showing the layout of existing and proposed structures, lot lines, public and/or private streets, off-street parking, landscape areas, pedestrian walks, driveways, outdoor lighting, screening, fences, walls, water quality facilities and other information deemed necessary by the responsible official.
 - (2) Three (3) full size copies and one (1) reduced copy (maximum eleven (11) inches by seventeen (17) inches) of architectural floor plans and elevations.
 - c. Preliminary plats may not be approved without approval of the submitted site plan. Both the site plan and preliminary plat must be fully consistent with standards of this and all other applicable requirements.
 - d. Preliminary plats may be approved only where conditions of approval are established to ensure that subsequent or existing development on the resultant parcels shall occur consistent with the approved site plan.
 - e. Building permits for townhouse developments may only be approved where fully consistent with the approved site plan and land division.
 - f. Developments meeting all requirements of this section are exempt from review under Section 40.520.040, Site Plan Review, pursuant to Section 40.520.060(A)(4)(f), provided all applicable standards are met.
 - 2. Dimensional standards shall be determined by Table 40.260.230-1. Within the MX district, densities shall be determined by the base zone and dimensional standards determined by those applicable to the R-30 district. A finding that the required minimum densities will be achieved by all proposed land divisions must be demonstrated and appropriate conditions to assure the density will be met are established. These conditions shall be identified on the face of the final plat and approved site plan.
 - 3. Only one dwelling unit may occupy an individual lot. Each attached dwelling may occupy no more than one lot. No more than eight (8) attached dwellings are permitted in a row or single group of structures.
 - 4. No portion of a unit may occupy space above or below any other unit, except underground shared parking.

5. Design Standards. No more than forty percent (40%) of the total square footage of the front facade of each unit may be garage door area.
6. Parking.
 - a. One space per dwelling unit is required.
 - b. Required parking shall be provided either on the same lot as the dwelling, or in shared parking areas located primarily to the rear of or beneath the units. Parking is encouraged to locate behind the dwelling unit with access from an alley. If an alley is utilized pedestrian access from the alley to the dwelling shall be provided for each lot.
7. Detached Garages. Detached garages are allowed, provided they are accessed from an alley or driveway and do not exceed eighteen (18) feet in height.
8. Impact Fees. School and park impact fees for townhouses on individual lots shall be assessed at the multifamily rate.

Table 40.260.230-1. Townhouse Criteria

Subject	R-12/OR-15	R-18/OR-18	R-22/OR-22	R-30/OR-30	R-43/OR-43
Minimum density	8 units/acre	12 units/acre	15 units/acre	18 units/acre	20 units/acre
Maximum density	12 units/acre (OR-15 = 15 units per acre)	18 units/acre	22 units/acre	30 units/acre	43 units/acre
Minimum lot area	2,800 square feet	1,800 square feet	1,500 square feet	1,200 square feet	1,000 square feet
Minimum lot width	25 feet	25 feet	20 feet	20 feet	18 feet
Minimum lot depth	70 feet	50 feet	50 feet	50 feet	50 feet
Maximum building height	35 feet	35 feet	45 feet	45 feet	45 feet
Front setback ¹	10 feet	10 feet	10 feet	10 feet	10 feet
Front garage door setback ²	18 feet	18 feet	18 feet	18 feet	18 feet
Street side setback	10 feet	10 feet	10 feet	10 feet	10 feet
Side setback ²	0 or 5 feet	0 or 5 feet	0 or 5 feet	0 or 5 feet	0 or 5 feet
Rear setback ³	0 or 5 feet	0 or 5 feet	0 or 5 feet	0 or 5 feet	0 or 5 feet
Setback from alley ⁴	0 or 5 feet	0 or 5 feet	0 or 5 feet	0 or 5 feet	0 or 5 feet
Maximum lot coverage	60 percent	65 percent	70 percent	75 percent	80 percent

¹ For dwelling.

² If not sharing a common wall the setback shall be five (5) feet.

³ Setbacks may be zero (0) feet if units are to be attached at the rear property line.

⁴ Zero (0) feet for detached garages, five (5) feet for dwelling.

40.260.240 UTILITIES (OTHER THAN WIRELESS COMMUNICATIONS FACILITIES)

- A. The erection, construction, reconstruction, alteration and maintenance of underground or aboveground transmission and distribution systems, including poles, towers, wires, mains, drains, sewers, in-ground sewage pumping facilities, pipes, conduits, cables, antennas, fire alarm boxes, police call boxes, traffic signals and other similar equipment, which does not require above-ground enclosed buildings as defined by Section 40.100.070, shall be permitted in any zoning district. Utility transmission lines, poles, and towers may exceed the height limitations otherwise provided for in this title. This section does not apply to wireless communications facilities as defined in Section 40.260.250(C).
- B. The erection, construction, reconstruction or alteration of utility substation facilities, as defined in Section 40.100.070, shall be permitted in any zoning district, subject to site plan approval pursuant to Section 40.520.040.

- C. Utilities installed under properties owned by Clark County and properties that are or will be dedicated to the county for road rights-of-way may require a Utility Permit pursuant to CCC Chapter 12.20A and CCC Chapter 13.12A.

40.260.250 WIRELESS COMMUNICATIONS FACILITIES

- A. Purpose. The purpose of this section is to protect visual and aesthetic features of Clark County while providing continuing opportunities for effective wireless communications services throughout the county. The following specific goals are intended to protect the safety and welfare of the citizens of Clark County, and to provide for planned development consistent with the comprehensive plan:

1. Promote maximum utilization and encourage collocation of new and existing wireless communications antennas to minimize the total number of support structures and towers throughout the county;
2. Encourage careful consideration of topography and location to ensure sites have minimal impact on views;
3. Encourage the location of support towers and antenna arrays in non-residential areas; and
4. Encourage siting of new support towers that minimizes wildlife impacts.

B. Applicability and Exemptions

1. Applicability. All wireless communications facilities (WCFs) that are not exempt pursuant to this section shall conform to the standards specified in this section. All WCFs in the Columbia River Gorge National Scenic Area shall additionally comply with the requirements of Chapter 40.240.
2. Exemptions. The following are exempt from the provisions of this section and shall be allowed in all zoning districts:
 - a. Wireless communications facilities that were legally established prior to the effective date of this ordinance;
 - b. Temporary facilities used on the same property for seven days or less;
 - c. Temporary facilities that are used solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;
 - d. Two-way communication transmitters used for 1) emergency services including, but not limited to fire, police, and ambulance services, and 2) essential public utility services, including but not limited to electric, water and wastewater;
 - e. Licensed amateur (Ham) radio stations and citizen band stations;
 - f. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase height, width, or mass of the facility;
 - g. Roof-mounted dish antennas used for residential purposes, and VHF and UHF receive-only television antennas, provided they are fifteen (15) feet or less above the existing or proposed roof of the associated residential structures; and
 - h. The installation and use of an antenna or antennas smaller than one (1) meter in diameter for use by a private dwelling occupant for personal, home occupation, utility metering or private telecommunications purposes.

C. Definitions

For the purposes of this section, the following definitions apply:

Amateur radio station	“Amateur radio station” means, a personal radio station licensed by the FCC, governed by Part 97 of the FCC’s rules and regulations, and operated by a duly authorized person interested solely with a personal aim and without pecuniary interest.
Antenna	“Antenna” means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

Array	“Array” means twelve (12) antennas with a flat plate wind loading of not less than four (4) square feet per antenna; a standard antenna mounting structure such as stand-off arms, T-mounts, platforms or other similar structure that is sufficient to hold the antennas; cable ports at the base and at projected antenna levels on the support tower; and sufficient room within or on the support tower for twelve (12) runs of 7/8-inch coaxial cable from the base of the support tower to the antennas.
Auxiliary Support Equipment	“Auxiliary Support Equipment” means all equipment necessary to process wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning, emergency generators, and cabling interface devices. For the purposes of this section, auxiliary equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary equipment does not include support towers or structures.
Collocation	“Collocation” means use of a common wireless communications support structure or tower for two or more antenna arrays.
Federal Aviation Administration	“Federal Aviation Administration” (FAA) is the federal regulatory agency responsible for the safety of the nation’s air traffic control system, including airspace impacted by wireless communications support structures and towers.
Federal Communications Commission	“Federal Communications Commission” (FCC) is the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
Height	“Height”, when referring to a wireless communications facility, means the distance measured from the original grade at the base of the support tower or structure to the highest point on the support tower or structure, including the antenna(s) and lightning rods.
Infrastructure Provider	“Infrastructure Provider” means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.
Monopole	“Monopole” means a support tower composed of a single pole used to support one or more antenna(s) or arrays.
Radiofrequency Energy	“Radiofrequency Energy” (RF) is the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video and other data information.
Residential district	“Residential” district means any zoning district which has as its primary purpose single or multi-family residences, to include R and OR districts in urban areas and R and RC districts in non-urban areas.
Setback	“Setback” means the required distance from any structural part of a wireless communications facility (including support wires, support attachments, auxiliary support equipment and security fencing) to either the property line of the parent parcel on which the wireless communications facility is located or to the nearest dwelling, depending on location.
Support Structure	“Support Structure” means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and signs. Support structures do not include support towers or any building or structure used for residential purposes.
Support Tower	“Support Tower” means a structure designed and constructed exclusively to support a wireless communications facility or an antenna array, including monopoles, self-supporting towers, guy-wire support tower, and other similar structures, excluding existing utility poles in any dedicated right-of-way.
Temporary Facility	“Temporary Facility” means any wireless communications facility which is not deployed in a permanent manner, and which does not have a permanent foundation.
Utility Pole Placement/ Replacement	“Utility Pole Placement/Replacement” means the placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.

Wireless Communications	“Wireless Communications” mean any personal wireless services as defined by the Federal Telecommunications Act of 1996, including but not limited to cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar FCC licensed commercial wireless telecommunications services that currently exist or that may in the future be developed.
Wireless Communications Facility	“Wireless Communications Facility” (WCF) means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for the provision of wireless communications.

D. Site Location of Wireless Communications Facilities. Wireless communications facilities are permitted in any zone in the unincorporated county subject to the following preferences and the limitations in Section 40.260.250(E)(2). New wireless communications facilities shall be in conformance with all applicable standards as provided by this section.

1. Facility Priorities. The county’s preferences for WCFs are listed below in descending order with the highest preference first.
 - a. Collocation with legally existing WCFs on support structures or support towers in non-residential districts;
 - b. Collocation with legally existing WCFs on support structures or support towers in residential districts;
 - c. New attached WCFs on support structures in non-residential districts;
 - d. New attached WCFs on support structures in residential zones;
 - e. New support towers.
2. Utility pole placement/replacement. Placement of antennas or antenna arrays on existing structures such as utility poles, light standards, and light poles for street and parking lots is preferred over new towers. Utility poles may be replaced for purposes of adding WCFs. Such replacements shall not be considered new support towers, and parcel size, setback, landscaping, and screening requirements of this section shall not apply. Unless SEPA review is required, utility pole placements/replacements require a Type I review and are subject to the following:
 - a. The existing pole may be replaced with a similar pole not exceeding fifteen (15) additional feet in height. Such increase in height shall only be allowed for the first replacement of the pole.
 - b. A pole extension may not exceed the diameter of the pole at the mounting point for the antennas.
 - c. For placement or replacement in public rights-of-way, auxiliary support equipment shall be mounted on the pole or placed underground. No at-grade support equipment in the right-of-way is permitted.
 - d. Replacements in public rights-of-way are subject to Chapters 12.20A and 13.12A.
3. Location Priorities for New Towers. The county’s preferences for new support tower locations in rural areas and in urban areas are listed below in descending order with the highest preference first. There is no preference for urban versus rural locations.
 - a. Order of preference for new support towers in rural areas:
 - (1) Rural Industrial outside rural centers (MH), to include UR-20
 - (2) Forest Tier I (FR-80) and Tier II (FR-40)
 - (3) Rural Industrial inside rural centers (MH)
 - (4) Agriculture (AG-20)
 - (5) Rural (R-20)
 - (6) Rural (R-10; R-5), to include UR-10
 - (7) Rural Commercial outside rural centers (CR-1)
 - (8) Rural Commercial inside rural centers (CR-2)
 - (9) Rural Center Residential (RC-2.5; RC-1)
 - b. Order of preference for new support towers in urban areas:
 - (1) Heavy Industrial (MH)
 - (2) Light Industrial (ML), to include UH-20
 - (3) Highway Commercial (CH)
 - (4) Limited Commercial (CL)
 - (5) Other commercial districts, to include UH-10 and UH-5

- (6) Mixed Use (MX) districts
 - (7) Residential districts
- 4. Lease Areas.
 - a. Except as otherwise required in this section, lease areas for new support towers shall be exempt from all lot standards of the zone in which they are permitted.
 - b. Approval of a tower site under this ordinance shall not be construed as creating a separate building lot for any other purpose unless it is created through platting or binding site plan approval.

E. Development Standards

- 1. Collocation. Wireless communications facilities shall be collocated to the greatest extent possible to minimize the total number of support towers throughout the county. To this end, the following requirements shall apply:
 - a. The county shall deny an application for a new support tower if the applicant does not demonstrate a good faith effort to collocate on an existing facility. Applicants for new support towers shall demonstrate to the responsible official that collocation is infeasible by showing that at least one of the following conditions exists:
 - (1) No existing towers or structures are located within the applicant's projected or planned service area for their facility; or
 - (2) According to a qualified RF specialist, existing towers or structures cannot be reconfigured or modified to achieve sufficient height; or
 - (3) According to a qualified RF specialist, collocation would result in electronic, electromagnetic, obstruction or other radio frequency interference with existing or proposed installations; or
 - (4) According to a structural engineer, existing towers or structures do not meet minimum structural specifications or structural integrity for adequate and effective operations to meet service objectives; or
 - (5) Collocation would cause a non-conformance situation (e.g., exceeding height restrictions); or
 - (6) A reasonable financial arrangement between the applicant and the owner(s) of existing facilities could not be reached.
 - b. Carriers who collocate on existing towers or structures shall be allowed to construct or install accessory equipment and shelters as necessary for facility operation. Such development shall be subject to regulations under the Uniform Building Code (UBC), applicable development standards of the underlying zone, and applicable development standards pursuant to this section (e.g., lighting, security, signage).
 - c. Collocated WCFs within one (1) mile of any public safety building such as police or fire station shall be reviewed with Clark Regional Emergency Services Agency for possible interference with public safety communications.
- 2. New Support Towers. The following standards shall apply to new support towers:
 - a. New support towers allowed under this ordinance shall be designed to accommodate collocation. The following provisions shall apply:
 - (1) All new support towers shall accommodate collocation opportunities for a minimum total of two (2) antenna arrays. A height bonus of up to twenty (20) percent of the maximum tower height allowed in Section 40.260.250(F)(1)(b)(1) is allowed with one or more additionally proposed antenna arrays if the screening requirements of Section 40.260.250(F)(1)(b)(2) are met.
 - (2) A support tower owner approved under this ordinance shall not deny a wireless provider the ability to collocate on their facility at a fair market rate or at another cost basis agreed to by the affected parties.
 - b. New support tower installations shall be a minimum of one thousand (1000) feet from the county portions of NE Lucia Falls Road and SE Evergreen Highway, designated by the State as scenic highways.
 - c. Unless the State Historic Preservation Officer determines there is no material impact, new support towers shall be a minimum of one thousand (1000) feet from all sites listed on either the National Register of Historic Places or the Clark County Heritage Register.

- d. New support towers within three (3) miles of a national wildlife refuge or within a thousand (1000) feet of those features or areas identified in Section 40.260.250(G)(2)(b)(1)(c) shall be reviewed for possible impacts to wildlife.
- e. New support towers within one (1) mile of any public safety building such as a police or fire station shall be reviewed with Clark Regional Emergency Services Agency for possible interference with public safety communications.
- f. New support towers shall comply with all FAA and state aeronautics requirements and regulations. Upon request, the applicant must provide evidence or certification of such compliance.
- g. Building permits for support towers shall not be issued to infrastructure providers until one or more wireless communications service providers that will use the support tower are identified.
- 3. Signage. Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a WCF. Any emergency information, public safety warnings, or additional signage required by a governmental agency shall be displayed in an appropriate manner.
- 4. Noise. Wireless communications facilities shall not generate noise levels in excess of maximum standards set forth in WAC 173-60. Generators may be operated only for emergency purposes. If air conditioning or other noise-generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

F. Design Standards

1. Height.

- a. Support Structures. Attached WCFs shall not add more than fifteen (15) feet in height to the support structure (including utility pole replacements) to which they are attached.
- b. New Support Towers.
 - (1) Subject to height bonus allowances in Sections 40.260.250(E)(2)(a) and 40.260.250(F)(1)(b)(2) below, new support tower heights including all attachments are limited to the following:
 - (a) Rural areas: One hundred sixty-five (165) feet.
 - (b) Urban non-residential districts: one hundred twenty (120) feet, except as provided for in subsection below.
 - (c) Urban non-residential districts: one hundred fifty (150) feet when the tower setback is greater than twice the total tower height or the parcel is completely surrounded by industrial parcels.
 - (d) Urban residential districts: one hundred (100) feet.
 - (2) Tower height may be increased if eighty percent (80%) of the final proposed tower is screened.

2. Setbacks

- a. All new support towers in rural areas shall maintain a setback described in (a) or (b), whichever is greater:
 - (1) A minimum 50-foot setback from the property line of the parent parcel or from a right-of way line; or
 - (2) A distance equal to or greater than the total tower height from the nearest residence.
- b. Setbacks for all new support towers in urban non-residential areas shall be those of the underlying district.
- c. All new support towers in urban residential areas shall maintain a setback equal to or greater than the tower height from the nearest residence on another parcel, or otherwise comply with the setbacks of the underlying district.
- d. Setbacks for auxiliary support equipment shall be those of the underlying zoning district.
- e. An exception may be granted for a location within the setback which is clearly preferable based on a review by the responsible official and provided such location has written from the property owners adjacent to the affected setback line.
- f. Setbacks shall not apply to easements established solely for the purpose of access to the WCF.

3. Landscaping and Screening.
 - a. A landscaping and screening plan shall be submitted with all new support tower applications.
 - b. Screening. Screening of new towers with existing tower-obscuring vegetation or buildings is preferred. If this requirement cannot be met, new support towers shall be screened with vegetation appropriate to the site, unless incompatible with the general surroundings and environment in the area. Such vegetation shall consist of a mix of native tree species that will reach a height of 30 feet or more and be eighty percent (80%) opaque year around. Planted evergreen species shall be fully branched and a minimum of six (6) feet high when planted. The required screening shall be permanently maintained in accordance with the provisions of Section 40.320.010.
 - c. Landscaping. All new support towers and associated structures shall be fully enclosed within a minimum six-foot (6') high gated and locked security fence. A minimum five-foot (5') landscape buffer shall be established surrounding the enclosure, containing landscape plantings meeting the L3 standard as described in Section 40.320.010. A wall or fence may be substituted for the required shrubs where compatible with the general surroundings and environment of the area. Fencing, and landscaping, and screening are not required on any side of the site made up by existing buildings. The required landscaping shall be permanently maintained in accordance with the provisions of Section 40.320.010.
 - d. Owner Assurances. To assure continued compliance with landscaping and screening requirements, a covenant or other appropriate instrument may be required from the property owner.
4. Color. For all new wireless communications facilities, the following criteria shall apply:
 - a. Unless otherwise required by the FAA, all support towers and antennas shall have a non-glare finish and blend with the natural background.
 - b. Attached WCFs shall be of a color that matches the color of the supporting structure to the greatest extent to minimize visual impacts.
5. Lighting. Except as required by the FAA, artificial lighting of wireless communications towers shall be prohibited. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment is allowed, provided that lighting shielded to keep direct light within the site boundaries. Strobe lighting is prohibited unless required by the FAA.
6. Variances. Any applicant may request a variance from the standards of this section. Requests for variance shall be made in accordance with the procedures and criteria specified in Section 40.550.020. In addition to the requirements of Section 40.550.020, the applicant shall demonstrate the following:
 - a. Strict adherence to the provisions of this section will result in an inability of the applicant to provide adequate WCF services within Clark County; and
 - b. The granting of the variance will not adversely affect views from designated scenic highways or areas of historic or cultural significance.

G. Permit Process

1. Process Review. Table 40.260.250-1 shows required levels of WCF application review in terms of district location. Each type is subject to Chapter 40.520.040, Site Plan Review, and 40.510, Type I, II and III Processes. Proposals requiring Type III review shall necessitate approval of a conditional use permit. Facilities exempt from threshold determination and EIS requirements under SEPA are listed in WAC 197-11-800(27).

Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities

	Collocation on Existing Support Towers	Attached WCFs on Existing Support Structures	New Support Towers
WCFs in Rural Areas (outside UGBs)	Review Type		
Industrial outside rural centers (MH)	I	I	II; III
Forest Tier I (FR-80) and Tier II (FR-40)	I	I	II; III
Industrial inside rural centers (MH)	I	I	II; III
Agriculture (AG-20)	I	I	III
Rural (R-20)	II	II	III
Rural (R-10; R-5)	II	II	III
Rural Commercial outside rural centers (CR-1)	II	II	III
Rural Commercial inside rural centers (CR-2)	II	II	III
Rural Center Residential (RC-2.5; RC-1)	II	II	III
WCFs in Urban Areas (inside UGBs outside city limits)			
Heavy Industrial (MH)	I	I	II; III
Light Industrial (ML)	I	I	II; III
Highway Commercial (CH)	I	I; II	III
Limited Commercial (CL)	I	I; II	III
Other Commercial	I	I; II	III
Residential	II	II	III
Temporary Use (not to exceed 60 days)			
All districts	I	I	I

NOTE: Type 1's become Type 2's if the facility is not categorically exempt under WAC 197-11-800(27)

*NOTE: In UH and UR districts, collocates and attached WCFs are Type 2's and new towers are Type 3's
 1; 2 = Type 1 without a residence on an adjacent parcel; Type 2 with a residence on an adjacent parcel
 2; 3 = Type 2, unless tower location is within 500 feet of a parcel where a Type 3 review would be required
 The preferred district locations for WCFs in rural and urban areas are in order from top to bottom
 The preferred WCF types are in order from left to right*

2. Application Submittal. Applications for the location and development of wireless communications facilities shall include the following:
- a. For all facilities:
 - (1) A narrative demonstrating how the proposal meets the criteria in Sections 40.260.240(D), 40.260.240(E), and 40.260.240(F).
 - (2) A site plan that meets the requirements of Section 40.520.040.
 - (3) A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility, and the ability to accommodate future collocation opportunities.
 - (4) Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement or license agreement.
 - (5) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility.
 - (6) An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area.
 - (7) The application materials shall include a photographic analysis of the proposed site, including a representation of existing conditions and photographic simulations depicting views of any new support structures or towers.
 - (8) Any additional applicable information the responsible official deems necessary to adequately review the proposal.
 - b. Additionally, for new support towers:
 - (1) An aerial photograph, which clearly indicates the location of the proposed facility in relation to:
 - (a) Significant features within 1320 feet including, but not limited to, existing and/or proposed site structures, public rights-of way, residential developments, adjacent land uses, and properties used for public purposes;
 - (b) Governmental jurisdictional boundaries within five hundred (500) feet of the proposal boundaries; and
 - (c) Cliffs, snags, talus, Oregon white oak woodlands, urban natural open space, waterfowl habitat and bald eagle foraging areas within a thousand (1000) feet as defined by the Washington Department of Fish and Wildlife as Priority Habitats and Species areas subject to Chapter 40.440.
 - (2) Elevation drawings of the proposed site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, any existing structures. Other applicable features, including but not limited to security fencing and screening shall be included.
 - (3) Evidence that a neighborhood meeting has been held in compliance with the neighborhood meeting requirements set forth in Section 40.260.240(G)(3) below.
 - (4) Proposals for new support towers shall include a detailed landscaping and screening plan, including existing and proposed vegetation, installation procedures, and landscaping/screening maintenance plans in accordance with Section 40.320.030.
 - (5) Applicants shall present an analysis of existing WCFs within the intended service area, describing the status of collocation opportunities at these sites.
 - (6) The application materials shall include a report stamped, dated and signed by a licensed professional engineer registered in the State of Washington demonstrating the following:
 - (a) The facility complies with all requirements of the Uniform Building Code;
 - (b) The structural capability of the facility will support co-located antennas (if applicable);
 - (c) The facility complies with all applicable standards of the FAA and FCC, including RF energy standards.
 - (d) The basis for the calculation of capacities.
 - (7) The location of new support towers in relation to any national wildlife refuge.
 - (8) Applicants shall provide evidence of compliance with FAA requirements at the time of application.

3. Neighborhood meeting.
 - a. The applicant shall hold a neighborhood meeting prior to the submission of a Type III application for a new support tower. The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower, and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting shall be held at a location within a reasonable distance of the proposed development site on a weekday evening at a reasonable time. A pre-application conference is not a substitute for the required neighborhood meeting.
 - b. Requirements.
 - (1) The applicant shall send a notice of the meeting at least 15 days prior to the scheduled meeting to:
 - (a) the Chair of the Neighborhood Associations Council of Clark County (NACCC);
 - (b) the County-recognized official representative of the Neighborhood Association, if one exists, that includes the proposed site;
 - (c) the County staff representative responsible for neighborhood relations; and
 - (d) all landowners within the notification radius of the proposed site as specified in Section 40.260.250(G)(4) below.

Coincidental with the notification mailing, the applicant shall post the meeting notification in the neighborhood news section of the local press, and shall post a sign with the neighborhood notification in a conspicuous location near the edge of the property containing the proposed development.
 - (2) The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
 - (3) A copy of the notice, mailing list and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting shall be submitted with the application.
4. Notification. Notification procedures of Chapter 40.510 shall apply, except that for new support towers and support structures supporting WCF antennas for the first time the notification radius shall be 1320 feet (1/4-mile) in rural areas and 660 feet (1/8-mile) in urban areas.
5. Third Party Review. The review authority may require a technical review by a third party of the applicant's justification under Sections 40.260.250(G)(2)(a)(3) and 40.260.250(G)(2)(a)(3) for a new tower location as part of the Type III permit review process. The first \$2000 of cost of the technical review shall be borne by the applicant, and such cost will be adjusted annually based on the Implicit Price Deflator as determined by the Clark County Budget Office.

H. Temporary Facilities. In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new WCF, temporary facilities shall be allowed subject to a Type I administrative review. Temporary facilities shall not be in use in excess of sixty (60) days at any one location during in any given 180-day period. Temporary facilities shall not have a permanent foundation, and shall be removed within thirty (30) days of suspension of services they provide.

I. Removal for discontinuance of service.

1. WCFs which have not provided service for 180 days shall be removed, and the site re-vegetated, unless an application is pending for service provision.
2. Permits for new towers shall contain a provision requiring written notice to the department of any discontinuance of service which exceeds 90 consecutive days.

40.260.260 ZERO LOT LINE DEVELOPMENTS

These developments are allowed in R1-5 and R1-6 districts, or in connection with in-fill developments. The responsible official shall find that the following conditions exist before any building permit is issued for zero lot line developments.

- A. All zero lot line developments, except land divisions or developments processed pursuant to Section 40.260.110, Residential Infill, are subject to site plan approval.

- B. The side setback on the lot abutting a zero setback lot line shall be at least ten (10) feet.
- C. Notations on the plat and/or covenants running with the land, approved by the Prosecuting Attorney, shall guarantee that required side setbacks of not less than ten (10) feet shall be kept perpetually free of obstructions.